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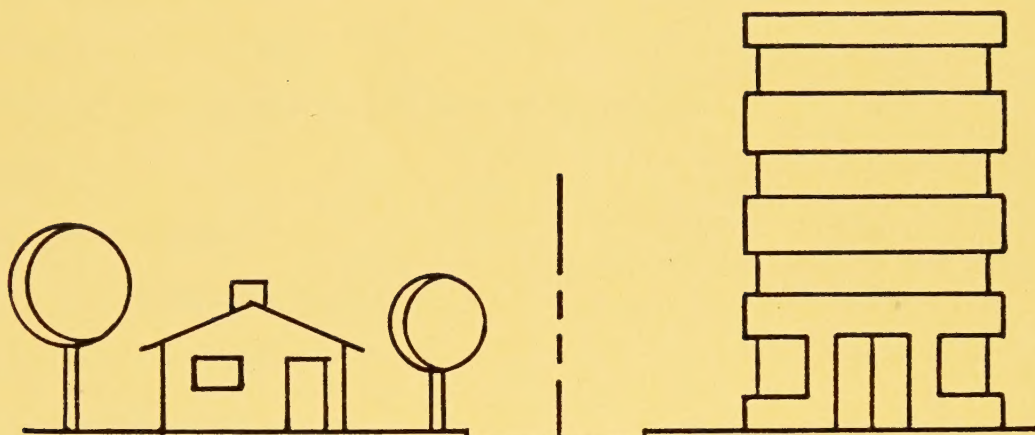
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ZONING ORDINANCE

CITY OF SACRAMENTO



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REVISED FEBRUARY 1985

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SECTION 1

TITLE AND PURPOSE

SECTION 1: TITLE AND PURPOSE OF THE ORDINANCE

- A. **COMPREHENSIVE ZONING PLAN:** This Ordinance and its accompanying maps shall be known as "The Comprehensive Zoning Plan of the City of Sacramento". It is adopted as a further refinement of the Land Use Plan for Sacramento under the provisions of the "Conservation and Planning Law of the State of California".
- B. **THE PURPOSE OF THESE REGULATIONS IS TO DO THE FOLLOWING:**
1. Regulate the use of land, buildings, or other structures for residences, commerce, industry, and other uses required by the community.
 2. Regulate the location, height, and size of buildings or structures, yards, courts, and other open spaces, the amount of building coverage permitted in each zone, and population density, among other things.
 3. Divide the City of Sacramento into zones of such shape, size, and number best suited to carry out these regulations, and to provide for their enforcement.
 4. Ensure the provision of adequate open space for aesthetic and environmental amenities.
- C. **THESE REGULATIONS ARE NECESSARY IN ORDER TO:**
1. Encourage the most appropriate use of land.
 2. Conserve and stabilize the value of property.
 3. Provide adequate open space for aesthetic and environmental amenities.
 4. Control the distribution of population.
 5. Promote health, safety and the general welfare.
- D. **THIS ORDINANCE THEREFORE ESTABLISHES THE FOLLOWING ZONES:** The boundaries of which are shown upon the maps made a part of this Ordinance and which are designated as the "Official Zoning Maps".

RE Rural Estates Zone: This is a very low density residential zone. It is intended to be applied primarily to areas impacted by high noise levels, within designated approach or clear zones around airports, within identified floodway and floodway fringe areas, and other areas where physical and/or safety considerations necessitate very low density residential use. This zoning district shall be designated as "RE" with the maximum permitted units per acre as a suffix (i.e., RE-1/4, RE-1/2, RE-1/1, RE-1/.5).

R-1 Single Family Zone: This is the most selective of residential zones, composed chiefly of homes, and may have recreational, religious, and educational facilities as the basic elements of a balanced neighborhood. Such areas should be clearly defined and without encroachment by uses not performing a neighborhood function.

- R-1A Townhouse Zone:** This is a zone intended to permit the establishment of planned residential developments of the townhouse, row house, cluster housing or common greenstrip concept in those areas of the City where low density condominium type projects would be appropriate.
- R-1B Single Family Zone:** This is a residential zone located inside the "Old City", which permits single family dwellings. The zone also permits two dwelling developments subject to the granting of a Special Permit. In addition to residential uses, this zone may include public, semi-public, and institutional uses after special review.
- R-2 Two-Family Zone:** This is a duplex zone providing most of the desirable residential characteristics attributed to single family districts. It is intended to provide a low density residential buffer between more intense land uses and single family homes.
- R-2A Garden Apartment Zone:** This zone is designated to provide for low density garden apartments, courts, and group housing regulated so as to cover a minimum of ground area and provide a maximum of open space comparable with surrounding neighborhoods.
- R-2B Garden Apartment Zone:** This is a zone in which the principal use of the land is for garden apartments. The zone is designed to offer a broader range of land densities by providing an intermediate density between the R-2A Garden Apartment Zone and the R-3 Light Density Multiple Family Zone densities.
- R-3 Light Density Multiple Family Zone:** This is a light density multiple family zone generally located outside the central core of the City, adjacent to primarily single family areas. The zone may also serve as a buffer along major streets and shopping centers.
- R-3A Light Density Multiple Family Zone:** This is a light density multiple family zone generally located inside the "Old City" and in certain areas adjacent thereto. This zone is established to provide development regulations that are consistent with goals for various residential areas in the "Old City". In addition to residential uses, this zone may include public, semi-public, and institutional uses after special review. (Ordinance No. 4366 - Fourth Series, effective July 4, 1980)
- R-4 Medium Density Multiple Family Zone:** This is a medium density multiple family zone generally located adjacent to the R-5 high density multiple family zone. Due to the transitional character of these areas, semi-public, institutional, and other uses may be permitted only after special review.
- R-4A Medium Density Multiple Family Zone:** The R-4A zone is a medium density multiple family zone generally located inside the "Old City" and in certain areas adjacent thereto. The zone is established to provide additional environmental amenities in developments within said area.

- R-5 Heavy Density Multiple Family Zone: This is a high density multiple family zone bordering the Central Business District. This is not entirely a residential zone, and may include public, semi-public, institutional, office, and other transitional uses after special review.
- R-O Residential-Office Zone: This is a medium density multiple family zone, generally located inside the "Old City" and in certain areas adjacent thereto and is established to provide additional environmental amenities in developments within said area. The zone permits development of office buildings subject to the granting of a Special Permit by the Planning Commission.
- O-B Office Building Zone: This is a zone designed to permit development of business office centers, and institutional or professional buildings, wherein the normal development of mixed commercial uses would not be appropriate.
- S-C Shopping Center Zone: This is a general shopping center zone which provides a wide range of goods and services to the community. This zone, however, prohibits general commercial uses which are not compatible with a retail shopping center.
- H-C Highway Commercial Zone: This is a zone in which the principal use of land is for establishments offering accommodations or services to motorists, and for certain other specialized non-merchandising activities. This zone will ordinarily be located in appropriate areas along Federal and State Freeway Routes or other highways or major streets of local jurisdiction.
- H Hospital Zone: This zone is designed primarily for medically-related services such as hospitals and convalescent homes, and for group care facilities for the physically and mentally handicapped. In addition, medical offices, laboratories, and pharmacies are also permitted.
- C-1 Limited Commercial Zone: This is a limited commercial zone which allows certain office and retail stores and service establishments which are compatible with residential developments. This zone is intended to be applied to small parcels which are surrounded by a residential neighborhood.
- C-2 General Commercial Zone: This is a general commercial zone which provides for the sale of commodities, or performance of services, including repair facilities, small wholesale stores or distributors, and limited processing and packaging.
- C-3 Central Business District Zone: This zone is applied to the general area of the Central Business District and permits all types of commercial enterprise. Manufacturing and nuisance industries are excluded.
- C-4 Heavy Commercial Zone: This is a commercial zone designed primarily for warehousing, distribution types of activity, and those commercial uses having a minimum of undesirable impact upon nearby residential areas. As a result, a minimum of light manufacturing and processing is permitted.

- M-1** Light Industrial Zone: This zone permits most fabricating activities, with the exception of heavy manufacturing and the processing of raw materials. In addition, regulations are provided in the M-1(S) zone to provide more attractive and uncrowded developments.
- M-2** Heavy Industrial Zone: This zone permits the manufacture or treatment of goods from raw materials. Like the M-1(S) zone, the M-2(S) zone has certain regulations designed to obtain industrial park developments that are in keeping with the modern concept of attractive, landscaped industrial plants.
- A** Agricultural Zone: This is an agricultural zone restricting the use of land primarily to agriculture and farming. It is also considered an open space zone. Property in this zone will be considered for reclassification when proposed for urban development which is consistent with the General Plan.
- F** Flood Zone: This is a special zone which permits agricultural uses and other uses subject to special review and approval. It is also considered an open space zone. It is intended to be applied to areas along the Sacramento and American Rivers and their tributaries, and other areas subject to inundation.
- A-OS** Agriculture-Open Space Zone: This is an exclusive agricultural zone designed for the long term preservation of agricultural and open space land. This zone is designated to prevent the premature development of land in this category to urban uses.
- TC** Transportation Corridor Zone: This zone is intended to regulate land uses within, above, and below public transportation corridors to insure that the development thereof is consistent with the General Plan, and to provide uniform standards for the development of ground rights and/or air rights within such corridor. (This description is taken from Ordinance No. 3611, and is included here for convenience of reference only - See Section 2.5).
- MRD** Manufacturing, Research and Development Zone: This zone is intended to protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses. The zone prohibits unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses. The uses, regulations and the development standards of this zone are to ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus-park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area. (This description is taken from Ordinance No. 83-110, and is included here for convenience of reference - See Section 2.7).

Overlay Zones. See referenced Code Section:

FF Floodway Fringe Overlay Zone - Section 26.15
FW Floodway Overlay Zone - Section 26.10
EA Executive Airport Overlay Zone - Section 30
LI Labor Intensive Overlay Zone - Section 31
ARP-F American River Parkway - Flood Plain - Section 24
PC American River Parkway Corridor - Section 24.20

The above overlay zones are listed for convenience of reference only.

SECTION 2

LAND USE REGULATIONS

SECTION 2: LAND USE REGULATIONS

- A. The charts and text on the following pages are adopted as the City's basic land use regulations. The uses shown in this chart are divided into four groups: residential, industrial, commercial, other.

To determine in which zone a specific use is allowed:

1. Find the use in one of the above groups in the chart.
2. Read across the chart until either a "number" or an "x" appears in one of the columns.
3. If a number appears, this means that the use is allowed in the zone represented by that column, but only if certain conditions are complied with. The conditions applicable to that use are those listed in Section E. The number appearing in the zoning column corresponds to the number of the conditions which must be complied with.
4. If an "x" appears in a column the use is allowed in the zone represented by that column without being subject to any of the conditions listed.
5. If neither an "x" nor a "number" appears in a column, the use is not allowed in the zone represented by that column.

THE PLANNING COMMISSION SHALL INTERPRET THE APPROPRIATE ZONE FOR ANY LAND USE NOT SPECIFICALLY MENTIONED IN THIS CHART.

IF THE SPECIFIC USE YOU ARE CHECKING DOES NOT APPEAR IN THE CHART, CONTACT THE CITY PLANNING OFFICE FOR THE INFORMATION YOU DESIRE.

B. RESIDENTIAL (SEE ORDINANCE NO. 3362-4TH SERIES - SECTION 1) (ORDINANCE NO. 4366-4TH SERIES EFFECTIVE JULY 4, 1980)

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	O B	R O	H C	S C	C 1	C 2	C 3	C 4	M-1 M-1 (S)	M-2 M-2 (S)	A	F	A O S	H
1. Apartments						x	x	x	x	x	5	x		x		5	5	5	5	13	13	13				
2. Room and Boarding House		2		2	2	5	5	5	5	x	5	x		x		5	5	5								
3. Single Family Dwelling	x	26	17	26	26	26	26	26	26	26	5	26		26		5	5	5	5	13	13	13	26		26	
3b. Halfplexes		37	17	17	17	17	17	17	17	17																
4. Townhouses, Row Houses, Cluster Housing Developments, Patio Developments and Other Similar Types of Housing Units																										
5. Two Family Dwelling		3		1	x	x	x	x	x	x	5	x		x		5	5	5	5	13	13	13				
6. Fraternity-Sorority House-Dormitory		5		5	5	5	5	5	5	15	5	15		5		5	5	15	5	13	13	13				
7. Major Medical Care Facility																										5
8. Family Day Care Facility		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	5	5	5	x		x	x
9. Residential Care Facility		5	5	5	5	5	5	5	5	5	5	5		5	5	5	5	5	5	5	5	5	5			x
10. Family Care Facility		x	x	x	x	x	x	x	x	x	x	x	5	x	x	x	x	x	x				x		x	x
11. Mobile Home		25	25		25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25			
12. Second Residential Unit		30																								
13. Certified Mobile Home on an Approved Foundation		26		26	26	26	26	26	26	26	5	26		26		5	5	5	5	13	13	13	26		26	

C. COMMERCIAL

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	O B	R O	H C	S C	C 1	C 2	C 3	C 4	M-1 M-1 (S)	M-2 M-2 (S)	A	F	A O S	H
1. Advertising Signs and Structures	SEE ORDINANCE NO. 2868-4TH SERIES																									
2. Agricultural Uses - General																							x	x	x	
3. Amusement Centers - Indoor Only															11	x	5	x	x	x	x	x				
4. Auto Sales, Service, Storage, Rental																9	9	x	x	x	x	x				
5. Bakery or Bakery Goods Store														5			x	31	x	x	x	x	x			
6. Bank-Savings and Loan																x	x	x	x	x	x	x				
7. Barber, Beauty Shop																x	x	x	x	x	x	x				
8. Business College Trade School																x	x	x	x	x	x	x				
9. Cabinet Shop																		4	4	x	x	x				
10. Cleaning Plant Commercial																		9	9	x	x	x				
11. Cleaning, Laundry Agency																x	x	x	x	x	x	x				
12. Convenience Market															34	34	32	34	34	34	34	34				
13. Dance, Music, Voice Studio																x	5	x	x	x	x	x				
14. Drive-In Restaurant Food Stand																x		x	x	x	x	x				
15. Equipment Rental and Sales Yard																		10	10	10	10	10				
16. Florist																x	x	x	x	x	x	x				
17. Food Store Delicatessen																x	32	x	x	x	x	x				
18. Furniture Refinishing																		4	4	x	x	x				
19. Furniture Store																x		x	x	x	x	x				
20. Hotel															11	5		x	21	x	x	x				
21. Laboratory-Medical, Dental, Optical												14	x	14		x		x	x	x	x	x				x
22. Laundry, Commercial Plant																		9	9	x	x	x				
23. Laundromat-Self Service Cleaner																x	x	x	x	x	x	x				
24. Mortuary																		x	x	x	x	x				
25. Motel															11	5		x	21	x	x	x				
26. Repealed by Ordinance No. 3005																										
27. Nursery for Flowers and Plants													7	11	5		x	x	x	x	35	35	35			
28. Offices																										
29. Medical Clinic or Office													11	5			x	x	x	x	x	x				x

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	O B	R O	H C	S C	C 1	C 2	C 3	C 4	M-1 M-1 (S)	M-2 M-2 (S)	A	F	A O S	H
30. Non-Residential Care Facility		5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5			x
31. Parking Lot, Garage or Facility		5	5	5	5	5	5	5	5	5	5	5	5	5	5	x	x	x	x	x	x	x				
32. Photographic Studio																x	x	x	x	x	x	x				x
33. Prescription Pharmacy Optician												14	x	14		x	x	x	x	x	x	x				
34. Printing and Blueprinting																		5	5	5	x	x				
35. Recycling Center																		5	5	5	x	x				
36. Reducing Salon-Masseur, Racketball, Judo School																x	x	x	x	x	x	x				
37. Restaurant-Bar															11	x	31	x	x	x	x	x				
38. Retail Stores and Services																12	33	12	12	12	12	12				
39. Service Station															10	10		10	10	10	10	10				
40. Shop for Building Contractor																		4	4	x	x	x				
41. Sign Shop																		x	x	x	x	x				
42. Tire Shop, Including Recapping																		4	4	x	x	x				
43. Trailer Sales Yard																		10	10	10	10	10				
44. Used Car Lot																		10	10	10	10	10				
45. Wholesale Stores and Distributors																		9	9	9	x	x				
46. Commercial Recreational Vehicle Storage																		5		x	x	x				
47. Christmas Trees Sales Lots		5	5	5	5	5	5	5	5	5	5	5	20	20	20	20	20	20	20	20	20	20	20	20	20	
48. Adult Entertainment Establishment or Activity																		22	22	22	22	22				
49. Astrology and Related Practices													23					x	x	x	x	x				
50. Adult Related Establishment																		24	24	24	24	24				
51. Bus and Other Transit Terminals Depots and Passenger Stations, Public and Private		5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	x	x	x	x	x	5		5	
51b. Mini Storage/Individual Storage/ Locker Buildings																		5	5	36	36	36				
52. Bus and Other Transit Vehicle Maintenance and Storage		5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	x	x	x	5		5	
53. Halloween Haunted Houses		27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27				
54. Bed and Breakfast Inn						28	28	28	28	28	28	28		28				29	29	29						

D. INDUSTRIAL

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	O B	R O	H C	S C	C 1	C 2	C 3	C 4	M-1 M-1 (S)	M-2 M-2 (S)	A	F	A O S	H
1. Beverage Bottling Plant																				x	x	x				
2. Billboard Manufacture																				x	x	x				
3. Boat Building (Small)																				x	x	x				
4. Concrete Batch Plant																					x	x				
5. Cement or Clay Products Manufac- turing																						x				
6. Contractors' Storage Yard																				4	4	x				
7. Dairy Products Processing																				x	x	x				
8. Food Processing Plant																					x	x				
9. Fuel Yard																					x	x				
10. Ice Manufacture-Cold Storage Plant																				x	x	x				
11. Junk Yard																						5	5			
12. Lumber Yard-Retail																					x	x				
13. Machine Shop																					x	x				
14. Monument Works, Stone																					x	x				
15. Petroleum Storage																					x	x				

D. INDUSTRIAL CONTINUED

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	O B	R O	H C	S C	C 1	C 2	C 3	C 4	M-1 M-1 (S)	M-2 M-2 (S)	A	F	A O S	H
16. Planning Mill																					x	x				
17. Public Utility Yard																				x	x	x				
18. Recycling Plant																					x	x				
19. Railroad Yard or Shops																						x				
20. Terminal Yard, Trucking																				x	x	x				
21. Truck and Tractor Repair																					x	x	x			
22. Warehousing-Wholesaling																			x	x	x	x				

E. SPECIAL CONDITIONS: The following special conditions apply to those land uses indicated by corresponding number in the Land Use Charts.

1. Duplexes are permitted on interior and corner lots only if a Special Permit is first granted for such location. A duplex may be built as one or as two detached buildings; provided, if a duplex is built as two detached buildings, the development must comply with the court requirements of Section 4 of this Ordinance.
2. Rooming and boarding of not more than two guests is permitted.
3. Duplexes on corner lots only. May be erected as one or two detached buildings if the court requirements of Section 4 are complied with.
4. The entire business may be conducted within a building.
5. A Special Permit is required to locate the use in this particular zone.
6. REPEALED - ORDINANCE NO. 4352 FOURTH SERIES (EFFECTIVE 6-12-80).
7. Offices are permitted subject to granting of a Special Permit, but only in the area bounded by 21st and 29th Streets, and the alleys between H and I Streets and Q and R Streets. The stocking, storing, selling, or processing of merchandise in connection with Special Permit use of R-5 zoned land for office purposes is not permitted. The maximum permissible gross floor area of a building is 6,400 square feet.
8. Auto repair is permitted if confined to a building.
9. The maximum gross floor area of a building used for this purpose shall be 6,400 square feet. Use may also include incidental non-nuisance producing processing, packaging, or fabricating conducted entirely within a building.
10. Lots must be improved to the same standards as required for a parking lot in Section 6. Repair work is permitted if confined to a building.
11. Preliminary and final site plans shall be submitted to the Planning Commission for review and approval.
12. The Planning Commission shall determine what uses may be permitted in the zone in addition to those listed.
13. Living quarters for watchman of commercial or industrially used property, hotels, and motels shall be the only residential uses permitted in this zone.
14. Said use shall be incidental to that of the office building. Principal entrance thereto shall be from inside of building only.
15. Fraternity - Sorority House or Dormitory is a permitted use in the R-4, R-5, and C-2 zones inside the "Old City" only.

16. In the HC zone, in addition to the uses permitted by the land use chart, other retail and service type facilities may be established as an incidental use to an indoor amusement center, hotel, or motel provided said uses are approved by the Planning Commission.
17. Permitted subject to the provisions of Section 7 of this Ordinance.
18. REPEALED - ORDINANCE NO. 4352 FOURTH SERIES (EFFECTIVE 6-12-80).
19. REPEALED -- ORDINANCE NO. 4352 FOURTH SERIES (EFFECTIVE 6-12-80).
20. Christmas tree sales lots shall be permitted in this particular zone, provided, however, that a Special Permit shall be required to locate a Christmas tree sales lot upon any parcel of property, which is bounded on any side by a parcel of property which is in a R zone. (Ordinance No. 3770 Fourth Series).
21. A Special Permit is required to locate a hotel or motel containing more than 125 rooms in this zone, provided, however, that no Special Permit shall be required for any site if a redevelopment plan adopted by the City of Sacramento provides that a hotel or motel may be located upon such site and the Redevelopment Agency has entered into a contract with a developer which governs the requirements for development of the site. (Ordinance No. 3876 Fourth Series).
22. Adult bookstores, adult cabarets, adult motion picture theaters, adult arcades and adult hotels-motels are permitted uses in the zones indicated subject to the limitations contained in subsections a and b below.
 - a. The location of such uses in any of the zones indicated must meet the following minimum standards, unless a waiver of the standards is granted under subsection b below:
 - 1) The use must be located more than one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, from any residential or agricultural zone.
 - 2) The use must be located more than one thousand (1,000) feet, measured from the nearest property lines to each parcel containing such use, from any school, church, temple or other place of religious worship, park, playground or similar use, and outside of and more than one thousand (1,000) feet from the Old Sacramento Historical Park.
 - 3) The use must be located more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any other adult bookstore, adult cabaret, adult motion picture theater, adult arcade or adult hotel-motel.
 - b. An application to waive the minimum location standards contained in subsection a above may be submitted to the Planning Commission. Upon submission of such an application, the Planning Commission shall conduct a public hearing to consider the appli-

cation. The hearing shall be conducted in accordance with Section 18 of this Ordinance. Notice of the hearing shall be given in the manner specified in Section 15-C-3-c of this Ordinance. The Planning Commission shall grant the waiver where, based on evidence presented at the hearing, it makes the following findings:

- 1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Ordinance will be observed.
- 2) The proposed use will not enlarge or encourage the development of a "skid row" area.
- 3) The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement or redevelopment, either residential or nonresidential.
- 4) All applicable regulations of this Ordinance and the City Code will be observed.

The Commission shall not make the findings required by paragraph b1 above unless evidence is presented indicating that the applicant has presented the plans for the project to persons residing within or owning or operating a business within three hundred (300) feet of such project and a substantial number of such persons have certified in writing that they do not object to the establishment of the proposed use in their area. Presentation of such certification, however, shall not necessarily be the only evidence necessary to support the required finding. (Ordinance No. 4166 Fourth Series). (Ordinance 81-016 and 021).

23 Only the practice of astrology is allowed in the OB zone.

24 A Special Permit shall be required to establish an adult-related establishment in this zone.

a. No Special Permit shall be issued for such use unless the following minimum standards have been met:

- 1) That said use is situated more than one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels from any residential or agricultural zone.
- 2) That said use is situated more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any school, children's day care facility, gymnasium for children, church, temple or other place of religious worship, park, roller skating rink, ice skating rink, playground, or similar use, and outside of and more than one thousand (1,000) feet from the Old Sacramento Historical Park.

- 3) That said use is situated more than one thousand (1,000) feet, measured from the nearest property lines of each parcel containing such use, from any other adult-related establishment, or any adult bookstore, adult cabaret, adult motion picture theater, adult arcade or adult hotel-motel.
- b. The Planning Commission may consider a Special Permit application to waive the standards set forth above only in cases where the following findings can be made:
 - 1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Ordinance will be observed.
 - 2) That the proposed use will not enlarge or encourage the development of a "skid row" or otherwise blighted area.
 - 3) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation, improvement or redevelopment, either residential or nonresidential.
 - 4) That all applicable regulations of this Ordinance and the City Code will be observed.
25. A mobile home, including a certified mobile home on an approved foundation, shall not be considered a dwelling for the purposes of this Ordinance only. Except as provided in Section 2-B-11 a mobile home is not permitted in any zone unless located in a mobile home park subject to the provisions of Section 2-F-22 and Section 10 of this Ordinance; provided, that in the C-4, M-1, M-1(S), M-2 and M-2(S) a mobile home may be used as the living quarters for a watchman of commercially or industrially used property. (Ordinance No. 81-050).
26. A single family dwelling and a certified mobile home on an approved foundation are permitted in the indicated zones subject to the following development standards:
 - a. Minimum Width and Depth of Structure: The distance between outermost parallel exterior walls shall be at least twenty (20) feet.
 - b. Driveway: The dwelling or mobile home shall have at least one driveway. All driveways shall be at least eight (8) feet wide, at least twenty (20) feet long, and be surfaced in accordance with Section 6-D-3 of this Ordinance.
 - c. Height of Finished Floor: The finished floor shall be a maximum of twenty four (24) inches above the exterior grade of the lot. If the dwelling or mobile home is multi-leveled, the lowest finished floor above exterior grade shall meet this requirement.
 - d. Roofing Material: No dwelling or mobile home shall have a roof covered with continuous rolled metal.

- e. Roof Overhang: The dwelling or mobile home shall have eave and gable overhangs of not less than one foot measured from the vertical exterior side of the structure, unless such overhangs would be incompatible with the overall architectural style of the structure, as determined by the Planning Director.
 - f. Exterior Siding Material: No dwelling or mobile home shall have exterior perimeter walls covered with metal siding materials which are corrugated or reflective.
 - g. Exterior Appearance of Foundation: The covering material used on a substantial portion of each exterior perimeter wall of the dwelling or mobile home shall touch or overlap either:
 - 1) The foundation, if the dwelling or mobile home has a solid or perimeter foundation.
 - 2) A solid perimeter curb or skirt, if the dwelling or mobile home has a foundation other than as specified in 1 of this subsection (for example, a pier or interior foundation). The perimeter curb or skirt shall be concrete, masonry, or other solid non-metal, all-weather material.
 - h. Porch: If the dwelling or mobile home has steps leading to an entry visible from any street, the steps and any enclosure surrounding the steps shall be:
 - 1) Attached to a permanent foundation.
 - 2) Designed and constructed as an integral part of the exterior of the dwelling or mobile home.
 - i. Enclosed Garage: The dwelling or mobile home must have an enclosed garage (either attached or detached) if more than 50 percent of other dwellings or mobile homes located within one thousand (1,000) feet, measured structure to structure, have enclosed garages. The same roofing material shall be used on the garage and the dwelling or mobile home. The exterior covering material used on the garage shall be the same as an exterior covering material used on a substantial portion of the dwelling or mobile home.
 - j. The Planning Director shall have the authority to vary one or more of the requirements set forth in paragraphs a through i above, in accordance with Section 14 of this Ordinance.
 - k. Notwithstanding the above, a mobile home on an approved foundation is not permitted anywhere within the "Old City". (Ordinance 81-081).
27. a. A Planning Director's permit shall be required to operate a Halloween haunted house in this zone.
- b. An application for said permit shall include:

- 1) A processing fee in the amount specified by resolution of the City Council.
 - 2) A schematic layout, indicating the location of structure(s) off-street parking areas, access points, and land uses located within three hundred (300) feet of the parcel.
 - 3) A description of the activities proposed.
- c. The Planning Director shall issue said permit after receipt of a complete application and upon finding that:
- 1) Adequate off-street parking, on-site or off-site, exists to serve the proposed use.
 - 2) The proposed use is not likely to create a nuisance in terms of noise, bright lights, or similar disturbances, to the existing land uses in the immediate vicinity.
 - 3) The applicant has posted the property for at least 5 consecutive days with a notice indicating that an application has been submitted to the City to operate a Halloween haunted house on the site, and that persons desiring further information or objecting to such use should contact the City Planning Department.
- d. A permit issued pursuant to Section 2-E-27-c shall be valid only between October 18 to October 31, both inclusive, in a single year.
- e. Non-daylight operation of a Halloween haunted house after 11:00 p.m. is prohibited. (Ordinance 82-078)
28. a. A Special Permit shall be required to establish a Bed and Breakfast Inn in this zone.
- b. The Special Permit may authorize limited ancillary social gatherings, such as conferences, weddings, fund raisers, and similar events, attended by any non-lodger, subject to any conditions imposed by the Commission or Council as may be necessary to satisfy Section 15A, including, but not limited to, restrictions on the frequency and timing of events, and the maximum number of persons per event. Except as expressly authorized in the Special Permit, such activities are prohibited. (Ordinance No. 83-012).
29. Bed and Breakfast Inn and limited ancillary social gatherings, such as conferences, weddings, fund raisers, and similar events are permitted in this zone. (Ordinance No. 83-012).
30. A Special Permit shall be required to establish an attached or detached second residential unit on a parcel zone R-1. A Special Permit shall not be granted for a second residential unit unless:
- a. The architecture is compatible with that of the main residential unit.

- b. Parking requirements of the Zoning Ordinance shall be complied with for the additional unit.
- c. The height, lot coverage and setback requirements are met.
- d. The area of the second residential unit will not exceed 640 square feet.
- e. The second residential unit will comply with those conditions established by the Planning Commission to mitigate any adverse impact on neighboring residence.

A second residential unit shall not be allowed on any corner lot developed with a duplex or half-plex, and a second residential unit shall not be subdivided from the main residential unit. (Ordinance No. 83-075).

- 31. In the C-1 zone, a bank or savings and loan and restaurants may not establish an accessory drive-up window service facility. (Ordinance No. 84-032).
- 32. In the C-1 zone, a food store, delicatessen or convenience store shall not engage in the sale of gasoline. In addition, the hour of operation shall be restricted to 6:00 a.m. to 11:00 p.m. on the same day. An extension of the hours of operation may be allowed subject to the issuance of a Special Permit. (Ordinance No. 84-071).
- 33. In the C-1 zone, the following retail sales and service establishments are not allowed: auto sales, rental and service; auto paint and repair; equipment, tool sales and rental yard; furniture stores; lumber yard; machine shop, mini-storage; pet shop, printing, blue printing and reproduction; and recreational vehicle storage yard. (Ordinance No. 84-032).
- 34. Permitted unless the convenience store's location and hours of operation meet the criteria set forth in subsections a and b below, in which case a Special Permit is required. Such criteria are:
 - a. Any property line of the parcel of real property containing the convenience store is located within five hundred (500) feet of any property line of a parcel which either contains a dwelling or is residentially zoned.
 - b. The store will remain open between the hours of 11:00 p.m. and 6:00 a.m. of the following day. (Ordinance No. 84-071).
- 35. Office in the C-4, M-1, M-2, M-1(S) and M-2(S) Zones: Offices shall be permitted as a matter of right in the C-4, M-1, M-2, M-1(S) and M-2(S) zones only if offices are incidental to an industrial use and do not occupy more than 25 percent of the gross floor area of the building(s) on a parcel on which they are located. Offices not permitted as a matter of right may be allowed subject to the issuance of a Special Permit. (Ordinance No. 84-100).

36. Individual locker storage buildings/mini-storage facilities are a permitted use in this zone subject to site development plan review and approval by the Planning Director prior to issuance of building permits. No retail business or equipment rental of any kind shall be permitted to operate in conjunction with this type of development and occupancy. Proposed plans shall indicate the following:

- a. A minimum 10 foot wide landscape setback along all street frontages and freeway right-of-ways.
- b. Location of any open or outdoor storage areas. Permitted only if screened by a minimum six foot high solid masonry wall.
- c. Location of a minimum of two waste disposal areas. Waste facilities shall be screened by a minimum six foot high solid masonry wall and provide for easy access of mini-storage clients.
- d. Location of all parking spaces at a minimum ratio of one (1) parking space per 100 storage units and one (1) space for the facility manager.
- e. Elevations of all permanent buildings, indicating height, type and materials.
- f. Type and location of all proposed signs.

37. Halfplex developments are allowed subject to review and approval by the Planning Director prior to issuance of Building Permit. Approval will be based on compliance with the following:

- a. The halfplex development must be on a corner lot.
- b. Each unit shall have its entrance, including driveways, off different streets.
- c. The halfplex lots and structure(s), when combined, shall meet the minimum setback requirements for the R-1 zone.
- d. Each unit shall have an enclosed garage and a driveway of at least 20 feet long and eight feet wide.
- e. Exterior siding materials and roofing materials shall be consistent with the quality, and compatible with the appearance of single family homes in the subdivision.
- f. Rear and side yard areas are shaped to maximize their potential use.

F. SPECIAL USES: The following are Special Uses. Their location in any zone shall be subject to the granting of a Special Permit by the Planning Commission.

- 1. Accessory living quarters for persons employed in agricultural work on the premises.

2. Airport or Helistop as defined in the City Code, which is located at other than an existing airport.
3. Animal hospital or dog kennel.
4. Animal or poultry slaughter.
5. Amusement enterprise - outdoor.
6. Boatdocks - private.
7. Cemetery.
8. Church and allied facilities.
9. Drive-in theater.
10. Golf course or driving range.
11. Hog ranch.
12. Home occupation.
13. Deleted by Ordinance No. 3005.
14. Livestock feed and sales yard.
15. Nuisance producing agricultural uses.
16. Deleted by Ordinance No. 3005.
17. Penal institution.
18. Private club - social center.
19. Stand for sale of agricultural products.
20. Sand or gravel pit or plant, borrow pit, stripping of top soil, or other surface mining operation.
21. School - private, nonprofit (including parochial schools and the like) and public (operated by school districts).
22. Mobile home park; auto and trailer camp.
23. Wells, gas or oil.
24. Reclamation and disposal operations. (Ordinance No. 4428)

(See Ordinance No. 3321 Fourth Series - adding to the list of Special Uses - Section 1).

- G. **CONDITIONAL USES:** The Planning Commission may grant a Special Permit for the following conditional uses:

1. Additional Dwelling on Front of Lot: An additional dwelling unit on the front portion of a R-1 zoned lot wherein a dwelling unit was existing on the rear half of a lot on or before June 6, 1956 (date of previous Zoning Ordinance, 1963 Fourth Series).
2. Swimming Pool Use Regulated: The use of a private swimming pool on residentially zoned land for the purpose of providing swimming instructions for compensation.
3. REPEALED BY ORDINANCE NO. 3005.
4. REPEALED BY ORDINANCE NO. 3005.
5. REPEALED BY ORDINANCE NO. 3770 FOURTH SERIES.
6. REPEALED BY ORDINANCE NO. 3235.
7. Marketing of New Subdivisions: A model home, temporary building, contractors' storage and construction yard, or real estate sales office in connection with the marketing of new subdivision may be approved by the Planning Director subject to the following conditions:
 - a. Time Limit: Such permits may be issued for a period not to exceed 1 year. The Planning Director may renew said permits for additional periods of up to 1 year upon written application at least 30 days prior to expiration.
 - b. Must comply with area requirements: All buildings and structures permitted hereunder shall comply with all height and area requirements of the district in which it is located.
8. Helistop: Any Special Use Permit for a helistop other than at an existing airport, issued under this Ordinance shall be made subject to the following conditions:
 - a. The permit shall be subject to revocation upon any material change in conditions existing at the time of the issuance of the permit which, in the determination of the Planning Commission, has such an effect upon the location, maintenance, or operation of a helistop as to require the revocation of the permit.
 - b. Site approval of a helistop shall be denied if a landing area is planned in close proximity to high voltage transmission lines.
 - c. No Special Use Permit shall be granted until the applicant has first obtained approval of Federal and State agencies whose approval is required for the establishment and operation of a helistop. A Special Use Permit shall be granted expressly subject to the limitations, conditions, and restrictions imposed by said Federal and State agencies in making their approvals. In addition, the Planning Commission may issue the Special Use Permit subject to limitations, conditions, and restrictions suggested by Federal and State agencies, or by the City Engineer,

the City Fire Chief, the Police Chief, Airport Manager, or any other officer or department of the City, and for the purpose of ascertaining the views of these Federal, State and City agencies and officials. The Planning Commission shall notify all such parties at least 60 days prior to the date of the proposed issuance of the permit.

- d. Each permit shall be subject to the condition that the surface of the helistop be such that dust, dirt, or other objectionable matter will not be blown onto adjoining property by helicopter operations.
 - e. Each such permit granted shall be subject to the condition that all provisions of the City Code are complied with at all times, including such special provisions thereof as may be applicable in the case of helistop and helicopters.
 - f. No permit shall be granted unless the person owning or controlling the premises to be used has given his consent to such use.
 - g. Each permit shall be subject to the condition that the permittee neither authorize, allow nor permit the use of his facilities by persons, firms, or corporations, violating any provision of this Code pertaining to the operation of helicopters or any safety regulation prescribed by any agency of the Federal Government or the State of California; and on the further condition that helicopters from said helistop be operated in accordance with minimum safe altitudes as prescribed by the City Code and in accordance with traffic patterns, or approach routes for a helistop as are prescribed by the FAA.
 - h. Each permit shall be granted on the condition that the permittee procure, obtain and file with the City Clerk and maintain in full force and effect liability insurance insuring said permittee, its officers, agents and employees, as well as its subcontractors, their agents and employees, its leasees and tenant in the sum of at least \$100,000 per person and \$300,000 per accident, and \$50,000 property damage, or in such additional damage, or in such additional sums as may be recommended by the City staff and deemed necessary by the City Planning Commission, from liability to anyone who might be injured by reason of negligence or nonfeasance of said permittee or its subcontractors, or its agents, officers or employees, or its tenants or lessees in the operation of said helistop or helicopters to and therefrom.
 - i. The Use Permit for a public helistop shall be on the condition that adequate provision be made to control the access of the public to the helistop and on the further condition that appropriate provisions are provided for surface vehicle parking, the exact quantity and extent thereof to be specified in the permit.
9. Any Special Permit issued under Section 2-F-20 of this Ordinance for a surface mining operation governed by and not exempt from the Surface Mining and Reclamation Act of 1975, Public Resources Code Sec-

tion 2710 et seq. shall be subject to the provisions and conditions set forth in this paragraph.

- a. Surface mining operations governed by and not exempt from the Surface Mining and Reclamation Act of 1975, Public Resources Code Section 2710 et seq. shall include all surface mining operations defined in Section 22-61-f of this Ordinance except:
 - 1) Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
 - 2) Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one location of one acre or less.
 - 3) Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.
 - 4) Surface mining operations that are required by Federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.
 - 5) Such other mining operations determined to be of an infrequent nature and to involve only minor surface disturbances by the Planning Commission and State Mining and Geology Board pursuant to Sections 2714(d) and 2758(c) of the Public Resources Code.
- b. The application for the Special Permit shall include, in addition to all other information required by this Ordinance, a plan for reclamation. The plan shall be filed on a form approved by the City and shall be submitted by all persons who own, lease or otherwise control or operate all or a portion of the land to be mined and who plans to conduct the surface mining operations. The plan shall comply with the provisions of the Surface Mining and Reclamation Act of 1975, Public Resources Code Section 2710 et seq. and 14 California Administration Code Section 3500 et seq.
- c. Approval of the Special Permit shall include conditions providing for a plan for reclamation in a manner approved by City, for periodic inspections of the surface mining operation by City or its designee to insure continuous compliance with conditions of the Special Permit and the reclamation plan, and for security approved by City to guarantee reclamation in accordance with the approved plan.
- d. The Special Permit may be conditioned on any other matter the Planning Commission finds necessary to carry out the intent, purposes, and policies of the Surface Mining and Reclamation Act of 1975, Public Resources Code Section 2710 et seq, and this Ordinance, or to protect the public health, safety or welfare.

- e. Pursuant to Section 2778 of the Public Resources Code, reclamation plans, reports, and other documents submitted in connection with an application for the Special Permit shall be deemed public records, unless it can be demonstrated to the satisfaction of the Planning Director that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The use and disclosure of such information shall be governed by Section 2778 of the Public Resources Code. (Ordinance 4428, October 1, 1980).

H. GENERAL PROVISIONS: The land use regulations of this Ordinance pertaining to land uses shall be subject to the following additional requirements, conditions, or exceptions:

1. Common Walls: A single family dwelling shall be erected as one building connected by a common wall or walls at least eight feet in width.

2. Entrances: All rooms within a dwelling unit must have their principal entrance from inside said dwelling unit.

3. Street Frontage:

- a. Except as provided in subsection (b) below, no building permit may be issued for any building or structure on any parcel unless said parcel possesses at least twenty (20) feet of frontage upon a public street or twenty (20) feet of frontage upon a private street for which the street alignments, widths, and design standards have been approved by the Commission or Council. Approval shall be based on compliance with the following conditions to the City's satisfaction:

- 1) The private streets are developed to City street standards; plans and improvements to be approved by the Public Works Director.
- 2) Adequate access shall be provided to accommodate public service and emergency vehicles.
- 3) Easements shall be provided as deemed necessary.
- 4) The entrances to private streets shall be constructed in a manner to clearly identify that the streets are private.
- 5) Any landscaping located in a public right-of-way as part of the project shall be maintained by a homeowners' association. Landscape plans shall be approved by the Community Services Department.

- b. The provisions of subsection (a) above, shall not apply to any parcel or parcels developed for industrial or commercial uses for which access has been approved by the Commission or Council.

- c. No building permit may be issued for any building or structure on any parcel which abuts solely upon the end of a street which is

not a publicly dedicated cul-de-sac or private cul-de-sac for which the dimension and design standards have been approved by the Commission or Council.

4. Accessory Building Prohibited as Living Quarters: Living and/or sleeping quarters, temporary or permanent, in any building other than the main residential building is prohibited, including such uses as guest houses or guest rooms.
5. Conditions on Use of Railroad Rights-of-Way: A railroad right-of-way may be used for railroad tracks or spur tracks. Loading and unloading platforms or structures may be located on a railroad right-of-way only if the abutting property is located within a C-4 or M zone, and no residential zoning is within 300 feet of said facility on the same side of the right-of-way.
6. Public Utility Transmission Structures and Lines: The provisions of this Ordinance shall not be construed as to interfere with the use of property in any zone for public underground and aerial transmission or supply lines or transmission structures required to provide a service to the immediate area, provided that such transmission structures and lines do not carry 100,000 or more volts of electricity.
7. Rear Yard Dwellings: No living and/or sleeping quarters are permitted in any detached building on the same interior lot to the rear of any other building used for non-residential purposes.
8. Special Permit Uses: Notwithstanding the provisions of Section 12 of this Ordinance, where uses which require a Special Permit are already established at the time of annexation or consolidation of territory with the City, or where such uses have already been established under any Zoning Ordinance of the City, the following procedure shall apply to any request for reconstruction, alteration or enlargement of such uses:
 - a. Site plans and other appropriate information related to the reconstruction, alteration or enlargement of a Special Permit use shall be submitted to the Planning Director.
 - b. The Planning Director shall review the plans and information so submitted, and if the proposed construction does not extend beyond the original site and in his judgement is consistent with the Special Permit qualifications established by Section 15A of this Ordinance, planning approval of the proposed reconstruction, alteration or enlargement may be granted by the Planning Director.
 - c. The Director may, at his discretion, schedule for hearing by the Planning Commission under the Variance proceedings of Section 14 of this Ordinance, any such request for reconstruction, alteration or enlargement of any such use.
9. Sacramento Executive Airport: Any proposal to construct, enlarge, or alter any building, structure or related facility which is occupied or proposed to be constructed for occupancy on land leased by the

County of Sacramento at the Sacramento Executive Airport shall be referred to the County Director of Airports. Said County Director of Airports shall confer with and coordinate review and action on such proposals with the Planning Director. All such proposals shall be reviewed for conformity with adopted plans for the Sacramento Executive Airport and all agreements relating thereto by and between the City and County of Sacramento. Upon receiving an affirmative recommendation on such proposal from the Planning Director, the County Director of Airports may approve such a development proposal and this section shall constitute authority under the Zoning Ordinance to effectuate such proposals.

10. State Fair Parking: No parcel of property shall be used for the parking of automobiles within a mile radius of the Cal Expo State Fairgrounds unless and until a permit therefore has been issued by the Planning Director in the following manner:
 - a. The applicant shall submit a schematic layout to the Planning Director indicating the proposed ingress and egress to the parking lot.
 - b. The Planning director shall not issue a permit for the operation of such a parking lot on a parcel of property in any residential zone.
 - c. The application shall be reviewed by the City Traffic Engineer to assure the ingress and egress is consistent with sound traffic circulation practices.
 - d. The Planning Director shall have authority to require changes in the physical layout of such lot as a condition of the issuance of such permit.
 - e. The following conditions shall be imposed on all such permits:
 - 1) The permit shall be good for the duration of the State Fair only.
 - 2) The property shall not be used in such a manner as to create a nuisance because of dust, noise, bright lights, traffic congestion, or other similar nuisances.
 - 3) The property shall be restored to its original condition following its use under the permit.
 - f. Following a public hearing, notice of which is given to the permittee at least 5 days before, said permit may be revoked by the City Council upon a determination that the applicant has:
 - 1) Used the parcel in a manner different from that shown on the schematic layout approved by the Planning Director pursuant to this paragraph.
 - 2) Violated a condition imposed on the permit.

11. REPEALED ORDINANCE NO. 4305, FOURTH SERIES, JANURAY 15, 1980.
12. Repair or maintenance of automobiles and other vehicles shall be considered a permissible accessory use in a residential zone only if the work is being done on a vehicle registered to a resident of the premises. Any such vehicle must be located so as not to violate any other provision on this Ordinance or the City Code. No more than two vehicles may be undergoing repair or maintenance on any premises at any one time. No person shall operate an auto repair business in a residential zone. (Ordinance No. 84-050, January 17, 1984)

lr/pc

SECTION 2.5

TRANSPORTATION CORRIDOR ZONE

SECTION 2.5: TRANSPORTATION CORRIDOR ZONE

Paragraph 2.5.01. Purpose.

The transportation corridor zone (hereinafter TC Zone) is intended to regulate land uses within, above and below public agency transportation corridors to insure that the development thereof is consistent with the general plan, and to provide uniform standards for the development of ground rights and/or air rights within such corridor.

Paragraph 2.5.02. Applicability of TC Zone.

The designation TC appearing on the official zoning map indicates that the property, including the airspace above such property and the ground space below any transportation facility located on such property, so classified is subject to the provisions of this section notwithstanding any of the provisions of this ordinance to the contrary.

Paragraph 2.5.03. Permitted Uses.

The following uses are permitted within the TC Zone:

- (a) Freeways and highways, including interchanges and bridges;
- (b) Public streets.

Paragraph 2.5.04. Special Uses.

All uses not specifically enumerated in paragraph 2.5.03 shall be conditional uses permitted only upon the issuance of a special use permit by the Planning Commission. Except as provided in paragraph 2.5.05, the procedures and standards for the issuance of a special use permit for such conditional uses shall be in accordance with the provisions of section 15 of this ordinance.

Paragraph 2.5.05. Additional Standards for Issuance of Special Permit.

All property designated TC Zone shall be considered to be within a design review corridor and subject to the additional development standards and criteria set forth in article II of section 16 of this ordinance.

Paragraph 2.5.06. Modification.

In issuing any special permit for a use within the TC Zone, the Planning Commission may modify regulations of this ordinance relating to parking, height, setback and area. Any such modifications shall be specifically identified in the notice of decision of the Planning Commission concerning the issuance of the permit.

Paragraph 2.5.07. Rezoning - Notice.

Notwithstanding the provisions of section 13 of this ordinance to the contrary, notice

of the hearing before the Planning Commission for rezoning any property to the TC Zone shall be given by:

1. Publication in the official newspaper of the City at least ten days prior to the date of the hearing and
2. Personal delivery in writing or by mail, postage prepaid, to the public agency owning and/or operating the transportation facility.

The official zoning maps of the City (Ordinance No. 2948, Fourth Series) are hereby amended to provide the TC Zone designation for the following described properties:

1. All that property owned by the State of California Department of Transportation within the adopted right-of-way of State Highway Route 5 commencing at the southerly limits of the City of Sacramento located near the unincorporated town of Freeport and thence running to the northerly limits of the City of Sacramento located near El Centro Road.
2. All that property owned by the State of California Department of Transportation within the adopted right-of-way of State Highway Route 99 commencing at the interchange of State Highway Route 50 and thence running southerly to the interchange at Fruitridge Road; and then commencing at the interchange at Mack Road thence running to the southerly limits of the City of Sacramento located approximately 1300' north of Duluth Street.
3. All that property owned by the State of California Department of Transportation within the adopted right-of-way of State Highway Route 80 commencing at the westerly limits of the City of Sacramento located at the Sacramento River and thence running to the northeasterly limits of the City of Sacramento located at the interchange at Watt Avenue.
4. All that property owned by the State of California Department of Transportation within the adopted right-of-way of State Highway Route 50 commencing at the interchange at State Highway Route 99 thence running to the easterly limits of the City of Sacramento located at the interchange of Watt Avenue.
5. All that property owned by the State of California Department of Transportation within the adopted right-of-way of State Highway Route 880 commencing at the westerly limits of the City of Sacramento located at Main Drainage Canal thence running northeasterly to 800' northeast of the future Truxel Road overcrossing; and then commencing at the interchange at Northgate Boulevard thence running to the northeasterly limits of the City of Sacramento located approximately 1200' northeast to Longview Drive overcrossing.
6. All that property owned by the State of California Department of Transportation within the adopted right-of-way of State Highway Route 160 commencing at intersection at Richards Boulevard thence running northeasterly to interchange at State Highway Route 80.

(ORDINANCE NO. 3611-4TH SERIES)

SECTION 2.7

MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE

Section 2.7 Manufacturing, Research and Development (MRD) Zone

A. Purpose

1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus, park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.
2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.
3. To upgrade industrial development standards so as to:
 - a. Protect the owner of each parcel within the zone against development and uses which could depreciate the value of the parcel; and,
 - b. To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhoods.

B. Utilization of the MRD Zone Classification; Use Regulations

1. The MRD zone classification shall be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance. A special permit shall be required for each use in this zone, except that the uses defined in subparagraphs 2a and 2b of this subsection B shall be permitted as a matter of entitlement and any such special permit review or conditions imposed under this section shall be limited to subjects other than whether the subparagraphs 2a or 2b uses are allowed.
2. Uses Allowed - No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:
 - a. Uses primarily engaged in research and development (R & D) activities, including but not limited to research laboratories and facilities, development laboratories and facilities, and compatible light manufacturing such as but not limited to the following categories:

Bio-Chemical
Chemical
Genetics
Development Facilities for National Welfare on
Land, Sea, Air or in Space
Environmental and Natural Resources
Film and Photography
Electronics
Instrumentation
Laser Optics/Fiber Optics
Medical, Dental, Surgical
Metallurgy
Pharmaceutical
Robotics
Solar
Sonics and Sound Imaging
Testing Laboratories
X-Ray
Educational or training facilities related to
the foregoing uses

b. Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts including but not limited to the following categories:

Coils, Tubes, Semi-Conductors
Communication, Navigation Control, Transmission
and Reception Equipment, Control Equipment and
Systems Guidance Equipment and Systems
Data Processing Equipment and Systems
Glass Edging, Beveling and Silvering
Graphics and Art Equipment
Metering Instruments
Optical Devices, Equipment, and Systems
Phonographs, Audio Units, Radio and
Television Equipment
Radar, Infra-Red and Ultra-Violet Equipment
and Systems
Robotics
Scientific and Mechanical Instruments
Solar Equipment
Testing Equipment
Educational or training facilities related
to the foregoing uses

c. Offices. Offices shall be allowed, provided that the square footage of development devoted to offices shall not exceed 50% of the total square footage of development approved for all property in the MRD zone at the time of planned unit development designation which is covered by said designation.

d. Warehousing and distribution facilities provided that such activities shall be conducted wholly within a completely enclosed building and shall not occupy more than 50% of the area of any building.

e. Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, including but not limited to:

Swimming pools
Gymnasium
Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed: Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's daycare or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

g. Childcare centers are permitted subject to approval of a special permit.

3. The Planning Director - The Planning Director shall have authority to allow uses in addition to those set forth under 2A (&B) if he finds the proposed uses to be sufficiently similar to the allowed uses so that they are no more objectionable to the public welfare and consistent with the purpose of the MRD zone.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public streets.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private street.

b. No loading facility, including incidental parking and maneuvering areas shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions - All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

C. Area Regulations

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds forty (40) feet in height. However, if a mechanical penthouse is provided, an additional ten (10) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area

Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.

b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setbacks required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall be determined in connection with each Special Permit.

3. Twenty five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

- G. Change of Area, Height, Parking and Landscaping Regulations.
The standards set forth in subsections C, D, E and F may be changed, when reasonable, as part of PUD review and approval pursuant to subsection B-1 of this Section and Section 8 of this Ordinance.

(Ordinance No. 83 - 110, Sept. 6, 1983)

SECTION 3

HEIGHT AND AREA REGULATIONS

SECTION 3: HEIGHT AND AREA REGULATIONS

A. The following chart and text are adopted as the City's basic height and area regulations. Read across the chart opposite the specific zone in question. The height or area requirement for that zone, or a number, will appear in the appropriate column. If a number appears in the column, the requirement is listed on the opposite page under the corresponding number in Section C.

B. Basic Height and Area Regulations

ZONE	LOCATION	MAXIMUM HEIGHT (FT.)	MINIMUM YARD REQUIREMENTS				MAXIMUM LOT COVERAGE	MINIMUM LOT AREA PER DU IN SQ. FT.*
			FRONT	REAR	INTERIOR SIDE	STREET SIDE		
1. RE	All	35 ft.	(1)	15ft	5 ft.	12½ft.	(19)	(19)
2. R-1	All	35 ft.	(1)	15ft	5 ft.	12½ft.	40%	5,200 I 6,200 C
3. R-1A	General Old City	35 ft. (8)	(11)	(11)	(11)	(11)	40% (10)	(11)
4. R-1B	All	(8)	(1)	(2)	(3)	(3)	60%	NA
5. R-2	All	35 ft.	(1)	15ft	5 ft.	12½ft.	40%	2,600 I 3,100 C
6. R-2A	General Old City	35 ft. (8)	(1)	(2)	5 ft.	25 ft.	50% (10)	2,500
7. R-2B	General Old City	35 ft. (8)	(1)	(2)	5 ft.	25 ft.	50% (10)	2,000
8. R-3	General Old City	35 ft. (8)	(1)	(2)	5 ft.	25 ft. (3)	50% (10)	1,500
9. R-3A	General Old City	35 ft. (8)	(1)	(2)	5 ft.	25 ft. (3)	50% (10)	1,200
10. R-4	General Old City	35 ft. (8)	(1)	(2)	3	(3)	60% (10)	750
11. R-4A	General Old City	35 ft. (8)	(1)	(2)	(3)	(3)	60% (10)	750
12. R-5	General Old City	35 ft. (8)	(1)	(2)	(3)	(3)	(4) (10)	(4)
13. R-O	General Old City	35 ft. (8)	(1)	(2)	(3)	12½ft. (3)	(12) (10)	1,200
14. OB	General Old City	35 ft. (8)	(1) 5ft	(2)	(3)	12½ft. (3)	NR (10)	NR
15. SC	General Old City	35 ft. (8)	50ft.	(5)	(6)	50 ft.	NR (10)	2,500
16. HC	General Old City	35 ft. (8)	50ft.	15ft.	15 ft.	50 ft.	40% (10)	2,500
17. H	General Old City	13 ft. (8)	25ft. (1)	(14) (15)	(16) (17)	25 ft. (18)	NR (10)	NA
18. C-1	General Old City	35 ft. (8)	(7)	(5)	(6)	NR	NR (10)	1,500
19. C-2	General Old City	45 ft. (8)	(7) (7)	(5)	(6)	NR	NR (10)	1,500 (4)
20. C-3	General Old City	NR	NR	(5)	(6)	NR	NR 10	NR
21. C-4	General Old City	75 ft. (8)	(7) NR	(5)	(6)	NR	NR (10)	NA
22. M-1	General Old City	75 ft. (8)	(7) NR	(5)	(6)	NR	NR (10)	NA NA
23. M-1S	General Old City	NR	25ft.	NR	NR	25 ft.	NR (10)	NA
24. M-2	General Old City	75 ft. (8)	(7) NR	(5)	(6)	NR	NR (10)	NA
25. M-2S	General Old City	NR	25ft.	NR	NR	25 ft.	NR (10)	NA
26. A	All	50 ft.	(1)	15ft.	10 ft.	12½ft.	NR	*5 ac.
27. F	All	(9)	(9)	(9)	(9)	(9)	(9)	(9)
28. A-OS	All	50 ft.	50ft.	50ft.	25 ft.	50 ft.	NR	*20 ac.

I = Interior Lot
C = Corner Lot
NR = No Requirement

NA = Not Allowed
* = Unless Otherwise Noted
NM = No Minimum

C. SPECIAL HEIGHT AND AREA CONDITIONS: The following special conditions apply to those requirements indicated by corresponding number in the Height and Area Charts.

1. Minimum front yard setback shall be the average of the two nearest buildings on the same side of the street on the same block. If there is only one other building on the same side of the street on the same block, the minimum front yard setback shall not be less than that of such building. In no event shall the required minimum front yard setback be greater than 25 feet.

If there is no other building on the same side of the street on the same block, a minimum front yard setback of 25 feet shall apply in all zones except for the R-4, R-4A, R-5, R-O and H Zones in which a ten foot setback shall apply. (Amended Ordinance 82-043, June 9, 1982)

2. The minimum rear yard setback shall be 15 feet. This may be reduced to five feet if the lot abuts a public alley.
3. The minimum side yard setback shall be five feet for buildings up to three stories in height. For buildings over three stories, the required minimum shall be increased by one foot for each story over three.
4. The minimum lot area per dwelling unit and the maximum lot coverage in the R-5 zone shall be as follows:
 - a. 500 square feet - 70 percent lot coverage.
 - b. 450 square feet - 65 percent lot coverage.
 - c. 400 square feet - 60 percent lot coverage.
 - d. 350 square feet - 55 percent lot coverage.
 - e. 300 square feet - 50 percent lot coverage.
 - f. 250 square feet - 45 percent lot coverage.
5. No minimum rear yard setback is required unless the rear of a SC, C, or M zoned lot abuts the side of a R or OB zoned lot, in which case a minimum setback of 15 feet is required. If a public alley separates the lots, no rear yard is required.
6. No minimum interior side yard setback is required unless the side of a SC, C, or M zoned lot abuts the side of a R or OB zoned lot, in which case a minimum setback of five feet is required. If a public alley separates the lots, no side yard is required.
7. The required minimum R zone setback shall apply if the frontage between two streets is split between any R zone and any C or M zone. If all the frontage between two streets is in a C or M zone, no front setback is required.
8. Within the Old City, the height limits shall be the same as the height limit specified outside the Old City, provided, however, that a Special Permit may be granted to permit buildings or additional height. However, there shall be no height limit and no Special

Permit shall be required for any building for which the Redevelopment Agency has entered into a contract with a developer whose contract governs the requirements for development of the building and the parcel or parcels upon which it is located. (Added by Ordinance No. 4145, Fourth Series)

9. Height and area regulations are not specified for the F zone. Preliminary and final site plans shall be submitted to the Planning Commission for review and approval.
10. With the Old City the maximum lot coverage shall be the same as that specified outside the Old City, provided, however, that a Special Permit shall be required for any building to be constructed or expanded to exceed 75,000 square feet of gross floor area. A Special Permit shall not be required for any building for which the Redevelopment Agency has entered into a contract with the developer, whose contract governs the requirements for development of the building and the parcel or parcels upon which it is to be located. (Ordinance No. 4146, Fourth Series)
11. Minimum yard and lot area per dwelling unit requirements shall be the same as that specified in the R-1 zone, provided, however, the Planning Commission may vary said provisions in their review and determination of Special Permit applications for townhouse or related projects when said modified requirements meet the intent of the design and density standards of Section 7 of this Ordinance.
12. The maximum lot coverage for residential developments in this zone shall be 60 percent. Office uses developed in this zone shall have no required maximum lot coverage.
13. Outside the Old City, the height limit shall be 45 feet. However, a Special Permit may be granted to permit buildings of greater height.
14. The minimum rear yard setback is 15 feet unless the rear yard abuts a R or OB zone. If the rear yard abuts a R or OB zone, the minimum 15 foot setback shall be increased by 2 feet for every 10 foot increment in building height over the first 25 feet, to a maximum 25 foot setback. (Ordinance No. 82-043)
15. No minimum rear yard setback is required unless the rear yard abuts a R or OB zone. If the rear yard abuts a R or OB zone, the minimum setback shall be 5 feet for buildings up to 25 feet in height, and shall increase by 1 foot for each additional 10 foot increment in building height, to a maximum 10 foot setback. (Ordinance No. 82-043)
16. The minimum interior side yard setback is 10 feet unless the side yard abuts a R or OB zone. If the side yard abuts a R or OB zone, the minimum 10 foot setback shall be increased by 2 feet for every 10 foot increment in building height over the first 25 feet, to a maximum 25 foot setback. (Ordinance No. 82-043)
17. No minimum interior yard setback is required unless the side yard abuts a R or OB zone. If the side yard abuts a R or OB zone, the

minimum setback shall be 5 feet for buildings up to 25 feet in height, and shall be increased by 1 foot for each additional 10 foot increment in building height, to a maximum 10 foot setback. (Ordinance No. 82-043)

18. The minimum street side yard setback for buildings up to 25 feet in height is 5 feet. For each additional 10 foot increment in building height, the required minimum setback shall be increased by 1 foot, to a maximum 10 foot setback. (Ordinance No. 82-043)

19. The minimum lot area per dwelling unit and the maximum lot coverage in the RE-Rurual Estates Zone shall be as follows: (Ordinance No. 84-025)

- a. One unit per one-half acre - 20 percent lot coverage.
- b. One unit per one acre - 15 percent lot coverage.
- c. One unit per two acres - 10 percent lot coverage.
- d. One unit per four acres - 5 percent lot coverage.

D. SPECIAL SITE REGULATIONS: The following special site regulations are adopted:

1. Preliminary and final site plans of a proposed development shall be submitted to the Planning Commission for review and approval in accordance with Section 13-A-(3)-c in all cases in the OB, SCH, HC, RO and F zones, and when C-3 zoned property is used in whole or part for residential purposes. (Ordinance 4061, Effective June 2, 1978)
2. In the SC and HC zones, no property may be divided into smaller parcels unless said proposed division is submitted to and approved by the Planning Commission. Said submission shall be made on a site development plan of the entire parcel so that its relationship to the overall development can be evaluated.
3. In the M-1S and M-2S zones, all uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a fence or wall at least six feet in height. No materials or supplies shall be stored within the required front or street side yard setback area, nor shall any building, structure, fence, wall or hedge extend into said area. The area between the setback line and the property line shall be developed and maintained as open landscaped and green area.
4. In the HC zone, a 10 foot wide planter, landscaped in screening shrubs, shall be constructed adjacent to the property line abutting a public street except as approved driveway locations. The planters shall be surrounded by 6 inch raised concrete curbing. The total minimum width of the planter including curbing shall be 10 feet. An irrigation system shall be installed in each separate planter area. The planter area shall not be surfaced in part or whole with concrete, asphalt or other surface material, but shall contain earth and living ground cover. (M-722) (Ordinance No. 83-055)
5. Additions to Single and Two-Family Dwellings: In those portions of the City where residential uses have been established, homes may not

provide the living space desired by contemporary life style and in order to prevent the waste of valuable resources through the deterioration of existing neighborhoods and the unnecessary encouragement of suburban expansion, and furthermore in order to ensure the continued vitality and desirability of such existing homes, the Planning Commission may grant a Special Permit to deviate from the minimum yard requirements of subsections B and C of this Section to allow for additions to existing single and two-family dwellings in accordance with the provisions set forth in paragraph 6 below.

6. Same - Waiver of Yard Requirements: The minimum yard requirements of Subsections B and C of this Section may be waived by the Planning Commission through the issuance of a Special Permit for additions to existing single-family dwellings. Said permit shall be subject to the conditions that:
 - a. Except as otherwise provided herein, the provisions of Section 15 of this Ordinance shall apply.
 - b. The addition does not reduce the width of any yard having required window openings therein to less than that required by Section 49.504 of the City Code.
 - c. The addition complies with current building code standards of the City.

Other Conditions may be attached to the permit by the Planning Commission to ensure that the proposed addition satisfies the above condition and the requirements of Section 15 of this Ordinance.

7. Wall and Fence Requirements (see Appendix B for Illustration): (Ordinance No. 84-077, July 31, 1984)
 - a. Residential Developments: The following regulations shall apply for all residential developments:
 - 1) Rear and Interior Side Yard: Notwithstanding the provisions of Section 3-E-12, walls or fences not exceeding six (6) feet in height may be placed along the rear or interior side yard property lines or within the rear or interior side yard setback areas.
 - 2) Residences Abutting Non-Residential Uses: Notwithstanding the provisions of Section 3-D-7(a)-(1), walls or fences not exceeding eight (8) feet in height may be placed along the rear and interior side yard property lines if the residence abuts a school, park or other non-residential use.
 - 3) Front Yard and Street Side Yard: Notwithstanding the provisions of Section 3-E-12, walls or fences not exceeding three (3) feet in height may be placed along the front yard and street side yard property lines or within the front yard and street side yard setback areas.

- a) Exception - Wrought Iron Fences: A decorative open metal wrought iron fence not exceeding six (6) feet in height may be placed along the front yard and street side yard property lines or within the front yard and street side yard setback areas. This exception does not authorize solid walls or fences composed of woven wire, wood or materials other than open metal wrought iron.
- b) Exception - Street Side Yard Setback Area:
 - o Outside the Central City: A fence or wall not exceeding six (6) feet in height may be placed within the street yard setback area if it is located at least five (5) feet from the street side yard property line.
 - o Central City Only: A fence or wall not exceeding six (6) feet in height may be placed within the street side yard setback area if it is either located at least five (5) feet from the street side yard property line, or is placed on a line parallel to the street which represents the extension of the wall of the main building which is nearest to the street.
 - o Landscaping Requirements: In addition to these setback provisions, the following landscaping requirements must also be met:
 - If the fence is constructed primarily of wood; shrubs or trees shall be planted along the base of that portion of the fence that fronts a public street. Such shrubs or trees shall be properly irrigated and maintained.
 - If the fence is composed of primarily woven wire or a solid wall is built; climbing vine plants, small shrubs or trees shall be planted along the base of that portion of the wall or fence that fronts a public street. Such vine plants or shrubs shall be properly irrigated and maintained.
 - The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover which shall be properly irrigated and maintained.
 - Only living vegetation may be used to meet the landscaping requirements.
- c) Clear Zone-Driveways within Front Yard or Street Side Yard Setbacks: Notwithstanding the provisions of Sections 3-D-7(a)-(A) and (B), a wall or fence may not exceed three (3) feet in height within the triangular area next to the intersection of the driveway and either the front yard or the street side yard setback. This triangular area is defined as the edge of the driveway,

either the front yard or the street side yard curb line, and a diagonal line connecting two points; one of which is on the curb line twenty (20) feet from the edge of the driveway and the other is along the edge of the driveway measured from the curb line distance equal to either the required front yard or street side yard setback, as defined in Section 3-C-1 of the Comprehensive Zoning Ordinance. If no standard curb exists, substitute the property line for the above curb line reference.

- d) Clear Zone - Corner Lots: Notwithstanding the provisions of Sections 3-D-7(a)-(3)-(a) and (b), a wall or fence may not exceed three (3) feet in height within the triangular area next to the intersection of two public streets. This triangular area is defined as the front and street side yard curb lines and a diagonal line connecting two points, both of which are on the curb line twenty-five (25) feet in each direction from the intersection of the front and street side yard curb lines. If no standard curb exists, substitute the property line for the above curb line references.
- 4) Multiple Family Developments: Any residential development consisting of three (3) or more units which is located on a single parcel shall provide a minimum six (6) foot high solid wall of masonry, brick or similar material along all property lines which border the on-site parking lot and which abut a single family or two-family residential zone or residence. Said wall, however, shall not extend into any required front yard or street side yard setback area, or beyond the required setbacks of the abutting residential zone or residence.
 - a) Non-Residential Developments: The following regulations shall apply for all non-residential developments:
 - o Parcels Abutting Residential Uses: Any development, improvement or use of a site for other than residential purposes shall provide a minimum six (6) foot high solid wall of masonry, brick or similar material along all property lines which abut a residential zone or residence. Said wall, however, shall not extend into any required front yard or street side yard setback area, or beyond the required setbacks of the abutting residential zone or residence. If the development is separated from a residential zone or residence by an alley, no wall or fence shall be required.
 - o Walls or Fences Adjacent to Public Streets or Public Right-of-Way: If a wall or fence is placed adjacent to a paved area of parking lot adjoining a public street or public right-of-way, a minimum four (4) foot wide landscaped and irrigated planting strip composed of climbing vines, shrubs or trees is required along the base of that portion of the wall or fence that

fronts the public street or public right-of-way. Such landscaping shall be properly irrigated and maintained.

b) Parcels Abutting Freeways and Railroads: Notwithstanding the provisions of Section 3-D-7-(a), all developments abutting a freeway or railroad may construct a maximum twelve (12) foot high solid wall, subject to issuance of a Special Permit.

c) Planning Director's Variance: The Planning Director shall have the authority to grant variances from the requirements set forth in this Section 3-D-7 in accordance with Section 14-B of the Comprehensive Zoning Ordinance.

8) Drive-up Service Window Facilities - Special Permit Required: A Special Permit shall be required for the construction and use of drive-up service window facilities in connection with any use in any zone. (Ordinance No. 4439, November 5, 1980)

E. HEIGHT AND AREA: The regulations of this Ordinance pertaining to height and area requirements shall be subject to the following additional requirements, conditions or exceptions:

1. Carports Must Comply: A carport shall comply with all yard areas and space requirements applicable to either an attached or detached accessory building, as the case may be.
2. Open Space Interpretation: No required yard or other open space around one building shall be construed as providing yard or open space for any other building.
3. Kitchen Units - Motels and Hotels: Lot area per dwelling unit regulations shall apply to hotels or motels for those units wherein kitchen facilities are provided in any individual room, suite or apartment.
4. Swimming Pools - Location Restricted: No swimming pool or any accessory feature thereof may be located within any minimum required front or side yard setback area.
5. Fractional Requirements: Any requirement up to one-half shall be omitted, but one-half or over shall require the next highest full number.
6. Height Variation - Public Buildings: In any district with a height of less than 75 feet, public buildings, schools, and other institutions permitted in such district may be erected to a height not exceeding 75 feet, provided that the front, side and rear yard requirements shall be increased one foot for each one foot by which such building exceeds the height limits hereinbefore established for such district. (Ordinance No. 82-043, June 9, 1982)

7. Height Variation - Roof Structures: Spires, penthouses not exceeding 50 percent of the roof area, elevator towers, solar collectors and equipment for the mounting and operation of solar collectors, or necessary mechanical appurtenances may be erected on top of a building to a greater height than the limit herein established for the district in which the building or structure is located. In no case shall variation exceed 20 percent of that which is allowed in a zone. (Ordinance No. 4320, March 1980)
8. Setback Area Landscaping Requirements: (Ordinance No. 84-077, July 31, 1984)
 - a. Residential Zones: A maximum of 40 percent of either the front yard or street side yard setback area may be paved for off-street parking and driveways within the R-1 and R-2 zones. All other portions of the front yard and street side yard setback areas not developed for parking and driveway use shall be landscaped, irrigated and maintained with primarily low ground cover. Only living vegetation may be used as ground cover. No parking of vehicles including boats, campers, trailers shall be permitted within the landscaped setback areas.
 - b. Non-Residential Zones: Except for approved off-street parking areas, all minimum front and street side yard setback areas shall be landscaped, irrigated and maintained with primarily low ground cover. Only living vegetation may be used as ground cover. No asphaltic concrete, masonry, rock, gravel, wood bark, chips or other form of surfacing as a principal ground cover shall be permitted.
9. Setbacks - Annexed Areas: In any area annexed to the City of Sacramento wherein a 50 foot front setback for business buildings was previously required by the County of Sacramento prior to annexation, a front setback of not less than 50 feet shall apply. Exceptions to this requirement are as follows:
 - a. Exception - Uniform Setback: Where a uniform setback exists which is less or greater than 50 feet, any building or structure hereafter erected, structurally altered, or enlarged shall conform to said established setback.
 - b. Exception - Non-Uniform Setback: Where a uniform setback does not exist, then the required setback shall be the average of the setback of the two nearest main buildings, or if there is only one other main building, the setback of said building shall govern.
10. Setbacks - Where Measured From: Setbacks shall be measured to the main wall of the building.
11. Setbacks - Plat of Subdivision: Where setbacks have been established on a recorded map of a subdivision, the setbacks so established shall govern.

12. Projection into Minimum Yard or Court: Every part of a required yard or court shall be open and unobstructed from its lowest point to the sky except for chimneys and eaves, which may project into a minimum court or yard not more than two feet.
13. Porch Projections: An uncovered porch or ornamental feature not exceeding six feet in height, which is erected as part of the main building, may extend into a minimum front or street side yard setback area not more than 25 percent of such required minimum front or street side yard setback.
14. Upper Story Projections: Any floor above the first story of a building may project a maximum of two feet into a required front or street side yard setback area.
15. Other Projections: Fire escapes, unenclosed stairs, necessary landings, balconies and chimneys, and apparatus needed for the operation of active or passive solar energy systems may project into any required front yard, rear yard, or side yard adjoining a street side lot line, a distance not exceeding four feet.
16. Through Lot: On a through lot with a depth of 125 feet or more, said lot may be assumed to be two lots with the rear lines of each approximately equal distant from the front lot lines, provided each such lot shall have an area of not less than 2,500 square feet; provided further that all yard requirements are complied with for the zone in which said through lot is located.
17. Requirements - Odd Shaped Lots: Where the application of yard regulations cannot be determined on lots of peculiar shape or location, such regulations may be modified or determined by the Planning Director.
18. Lot Split: This Section repealed. See Ordinance No. 2712, Fourth Series.
19. Lot Dimensions Shall not be Reduced Below Minimum: No lot, after the effective date of this Ordinance, shall be reduced in any manner below the minimum lot area, size, or other dimensions specified by the Subdivision Ordinance of the City of Sacramento, or if already less than the minimum so required, said area or dimension shall not be further reduced.
20. Small Lots: Where a separate lot has a width and/or area less than the minimum specified above, and was of record on or before June 16, 1956 (effective date of previous Zoning Ordinance, 1963, Fourth Series) such lot may be occupied by any use permitted in the zone in which the property is located, if all yard and lot coverage requirements are complied with.
21. Substituted Rear Yard for Corner Lots: (Ordinance No. 3862, Fourth Series)
 - a. For a single-family or two-family dwelling located on a corner lot, the required rear yard area may be relocated to the side of

the lot opposite the street side yard. Such substituted rear yard need not be 15 feet deep at all points provided that said yard area is at least five feet deep along the entire property boundaries and provided that within said yard a rectangle bounded by the interior side lot line, the rear lot line and the points of nearest sides of the main building contains at least as many square feet of yard area as the yard area which would be provided by a fifteen foot rear yard across the entire width of the parcel. No structure shall be located within the substituted rear yard except as allowed by Special Permit as provided by Section 3-D-5 and 6.

- b. All other uses located on a corner lot, the Planning Commission may grant a Special Permit to allow a substituted rear yard in accordance with paragraph (a) above provided that such substituted rear yard:
 - 1) Meets the area and location requirements of paragraph (a) of this Subsection.
 - 2) Satisfies the requirements of Section 15-A of this Ordinance.

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SECTION 4

SPECIAL COURT REGULATIONS

SECTION 4: SPECIAL COURT REGULATIONS

- A. The purpose of special court requirements is to insure an adequate amount of light, air, and access in residential developments which are designed around open court areas that occur in bungalow courts, court apartments, garden apartments, and other similar projects.

To apply a standard minimum side yard requirement of five feet throughout these projects would result in crowded, inadequate and substandard developments. It is to the advantage of the developer, as well as to the City, to see that at least as much attention is given to good site planning as is normally paid to building design or financing of a project.

For these reasons the following special court requirements are adopted:

- B. SPECIAL COURT REQUIREMENTS: Where a duplex, bungalow court, court apartment, group or row dwelling or any other building has the main entrance to any one dwelling unit therein from an interior side yard or court, the following special requirements shall apply:
1. Court requirement - one side: Where such entrance or entrances are located along one side of an interior side yard or court, the minimum width of said interior side yard or court shall be ten feet.
 2. Court requirement - two sides: Where such entrances are located on two sides of a court, the minimum width of said court shall be 20 feet.
 3. Arcade requirement: Where the entrance to a side yard or court mentioned herein is between two front buildings which are connected by a common roof or other enclosure, or is through an arcade in one front building, the distance between such buildings or the width of the arcade shall be a minimum of 10 feet, if said depth of buildings or depth of the arcade is 30 feet or less. If the depth of said buildings or the arcade is more than 30 feet, the said distance between buildings or the width of said arcade shall be 20 feet minimum.
 4. Openings: Within the roofed or enclosed area between two buildings or within the arcade area there may be a single stairway and entrance to adjacent dwelling units. However, no window openings are permitted.
 5. Distance between buildings other than court area: On those portions of a lot other than the main court area, there shall be a minimum width between buildings of ten feet if there are no door openings therein. If there is one door opening therein, the minimum distance shall be 15 feet. If there are two or more door openings therein, the minimum distance shall be 20 feet.
 6. Stairs, balconies, etc. in court area: All required open court areas shall be clear and unobstructed from the ground to the sky except for a maximum two foot eave overhang and a maximum three riser porch landing on the ground floor. No stairways, balconies, or any other structure may project into a minimum required court area.

7. Units above accessory buildings: Where a court is provided as required in this section, dwelling units may be erected to the rear of a bungalow court, court apartment, group or row dwelling over a detached accessory building provided the entire building is located not less than five feet from any alley line, or if there is no alley to the rear, the regular rear yard requirement for said lot shall apply.
8. No main entrance from rear yard area: No dwelling unit may have its main entrance from the rear yard area.

SECTION 5

ACCESSORY BUILDING REGULATIONS

SECTION 5: ACCESSORY BUILDING REGULATIONS

- A. **PURPOSE:** The purpose of accessory building regulations is to provide for adequate yard areas, access, space between buildings, and to prevent inadequate driveways which result in cars being parked across sidewalk areas. For these reasons, the following accessory building regulations are adopted.
- B. **DETACHED ACCESSORY BUILDINGS:** Detached accessory buildings (garages, carports, or other structures) are permitted in any zone subject to the following special requirements:
1. Minimum driveway: Said uses shall be located on a lot so as to provide a minimum of 20 feet of driveway between said use and any street right-of-way line.
 2. Maximum Height: Ten feet - one story in the R-1 and R-2 zones.
 3. Setback from street: Said use, when located nearer than 60 feet to the front lot line shall be subject to the same minimum side and front yard setback required for main buildings.
 4. Alley setback, side street line: Said uses shall be at least five feet from any alley and $12\frac{1}{2}$ feet from any side street line, subject to minimum driveway requirements. In the R-4, R-4-A, R-O inside the "Old City" and R-5 zones, the street sideyard setback may be reduced to five feet.
 5. Setback from main building - sideline: When any portion of said use is located to the side or front of the main building, it shall be at least six feet from such main building and not nearer to the side lot line than the width of the side yard required on the lot for the main building.
 6. Setback from main building-buildable depth: When any portion of said use is located to the rear of a main building, it shall be located at least six feet from the main building.
 7. Reversed corner lot: Said uses located on a reversed corner lot shall not project beyond the required front yard line of the lots to the rear if it is located within 15 feet or less to said common lot line. In no case shall a detached accessory building, carport, or similar structure be located nearer than five feet to the side of an adjacent key lot.
 8. Breezeway connection: Said use may be connected to the main building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer the side lot line than the minimum side yard required for the main building.
 9. Maximum Rear Yard Setback Area Coverage: No more than twenty-five per cent (25%) of the surface area of a required rear yard setback area may be used for structures. (Ord. #3736-4th Series - 8-31-76)
- C. **ATTACHED ACCESSORY BUILDINGS:** Attached accessory buildings are permitted in any zone subject to the following special requirements:

1. Minimum driveway: Said uses shall be located on a lot so as to provide a minimum of 20 feet of driveway between said use and any street right-of-way line.
2. General setback requirements: Said use shall provide and maintain the same front and side yard setbacks as required for the main building, subject to minimum driveway requirements.
3. Projection - reversed corner lot: On a reversed corner lot, said use may project into the required rear yard area, provided the projecting portion thereof does not extend beyond the front setback line of the lots to the rear, nor nearer than five feet to the side of the key lot to the rear.
4. Projection - corner lot: On a corner lot, said use may project into the required rear yard area, provided the projecting portion thereof does not extend nearer than five feet to the rear lot line.
5. Non-projection - rear yard: When said use does not project into the required rear yard area, it may be erected in accordance with all setback provisions applicable to the main building, subject to minimum driveway requirements.

SECTION 6

OFF-STREET PARKING AND VEHICLE TRIP REDUCTION REGULATIONS

SECTION 6: OFF-STREET PARKING AND VEHICLE TRIP REDUCTION REGULATIONS

- A. REQUIREMENT: Off-street vehicle and bicycle parking areas shall be provided and maintained as provided in this Section. Off-street vehicle parking shall be provided as specified below for the use or uses to which the property is devoted: Amended by Ordinance No. 81-061.

LAND USE	SPACES REQUIRED FOR EACH LAND USE
1. Residential Uses	1 space per dwelling unit
2. Bowling Alley	6 spaces per alley
3. Church-Mortuary-Sports Arena-Theater	1 space per 6 seats
4. Hotel, Rooming and Boarding House, Bed and Breakfast Inn	1 space per 2 guest rooms, 1 for resident owner/manager
5. Dance Hall-Skating Rink-Lodge Hall	1 space per 100 sq. ft. area
6. General Commercial Use	1 space per 500 sq. ft. gross area
7. Hospital	1 space per patient bed
8. Motel	1 space per guest room
9. Nursing Home	1 space per 2 patient beds
10. Offices	1 space per 400 sq. ft. gross area
11. Medical and Dental Clinics or Offices	1 space per 200 sq. ft. gross area (Ordinance No. 82-015, March 4, 1982)
12. Restaurant-Bar	1 space per 3 seats
13. Retail Store-Shopping Center	
a. Inside the "Old City" Except as otherwise provided in Section 6-D-1	1 space for 400 sq. ft. of gross floor area for buildings not in excess of 9,600 sq. ft. of total gross floor area. 1 space for each 250 sq. ft. of gross floor area for buildings in excess of 9,600 sq. ft. of total gross floor area
b. Outside the "Old City"	1 space for each 250 sq. ft. of gross floor area

14. Wholesale, Warehousing Manufacturing	1 space per 1,000 sq. ft. gross floor area
15. Individual Locker Storage Building/ Mini-Storage Facilities	1 space per 100 storage units and 1 space for the manager
16. Fraternity-Sorority House-Dormitory	1 space per 3 occupants
17. Other	Determined by Planning Commission

B. LOADING AND UNLOADING SPACE

AMOUNT REQUIRED

Retail trade, retail and wholesale markets, warehouses, supply houses, wholesale and manufacturing, hotels, hospitals, laundry and dry cleaning establishments, and other places where large amounts of goods are received and shipped.	For buildings of 10,000 sq. ft. of gross floor area, 1 off-street loading space plus 1 additional space for each 40,000 sq. ft. of gross floor area (10' wide, 14' high, 40' long). No encroachment on public right-of-way permitted.
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C. MINIMUM DIMENSIONS: Amended Ordinance 81-061.

1. Vehicle Parking: All off-street parking facilities shall be developed with not less than the following minimum dimensions and shall be designed so that each parking space can function independently of any other parking space. Further, no off-street parking facility shall be approved which, in the judgment of the Planning Commission cannot function due to the site or a building obstruction, or restricted access and turning radius, or which requires excessive maneuvering. In addition, parking stalls must be marked on the parking area.

a. Minimum Dimensions: Except as otherwise provided herein, with respect to compact car spaces, all off-street vehicle parking spaces, excluding handicapped spaces, shall meet the following minimum dimensions:

	<u>TYPE</u>	<u>STALL WIDTH</u>	<u>STALL DEPTH</u>	<u>MANEUVERING WIDTH</u>
1.	90 Degree	8 Feet	18 Feet	26 Feet
2.	60 Degree	8 Feet	20 Feet	20 Feet
3.	45 Degree	8 Feet	19 Feet	14 Feet
4.	30 Degree	8 Feet	16 Feet	12 Feet
5.	Other	To be determined by the Planning Commission		

Up to thirty percent (30%) of all required and non-required vehicle parking spaces, excluding handicapped spaces, may be sized for compact cars. Compact car spaces shall meet the following minimum dimensions and shall be clearly marked "COMPACT CARS":

<u>TYPE</u>	<u>STALL WIDTH</u>	<u>STALL DEPTH</u>	<u>MANEUVERING WIDTH</u>	
			<u>ONE AISLE</u>	<u>TWO AISLE</u>
1. 90 Degree	7.5 Feet	16 Feet	25 Feet	24 Feet
2. 60 Degree	7.5 Feet	18 Feet	19 Feet	18 Feet
3. 45 Degree	7.5 Feet	17 Feet	13 Feet	12 Feet
4. 30 Degree	7.5 Feet	14 Feet	12 Feet	12 Feet
5. Other	To be determined by the Planning Commission			

b. General Development Standards:

- 1) Off-street parking facilities shall be designed so that each parking space can function independently of any other parking space.
 - 2) No off-street parking facility shall be approved which, in the judgment of the Planning Commission, cannot properly function due to the site, building obstruction, or restricted access and turning radius, or which requires excessive maneuvering.
 - 3) All parking stalls shall be marked on the parking area.
 - 4) Except within the C-3 Central Business District Zone, attendant parking does not meet minimum code requirements.
 - 5) Back-out parking is prohibited except for single and two-family dwellings.
 - 6) A public alley may be a part of the maneuvering space requirements when adjacent parking facilities are designed to utilize it as such.
2. Bicycle Parking: Bicycle parking facilities shall be installed in a manner which allows adequate spacing for access to the bicycle and the locking device when the facilities are occupied. Space allowances shall include a two (2) foot width and a six (6) foot length per bicycle and a five (5) foot maneuvering space behind the bicycle. The facilities shall be located on a hard dust-free surface, such as asphalt or a concrete slab.

D. SPECIAL REQUIREMENTS: Amended Ordinance 81-061.

1. Central Business District: Notwithstanding the provisions of Section 6-A of this Ordinance, the following off-street parking regulations governing the number of required vehicle parking spaces and bicycle parking facilities shall apply in the C-3 Central Business District Zone.
 - a. Uses Subject to Off-Street Parking Requirement: Off-street vehicle parking is required to be provided for residential uses, hotels, motels, and offices only. The off-street vehicle parking requirement for residential uses, hotels, and motels shall be as

provided in Section 6-A of this Ordinance. The off-street vehicle and bicycle parking requirement for office uses shall be as set forth in Section 6-D-1.

- b. Office Uses: Subject to the provisions of Section 6-D-1-c, below, required off-street vehicle parking and bicycle parking facilities for office uses in the C-3 zone shall be provided as follows:

- 1) New Offices: The minimum required off-street vehicle parking spaces for new office buildings is one space for every 600 gross square feet of floor area in excess of 20,000 gross square feet.
- 2) Office Expansions: The minimum required off-street vehicle parking spaces for an office building to which gross floor area is added, is one space for every 600 gross square feet of floor area in excess of 20,000 gross square feet. For purposes of calculating the off-street parking requirement under this Subsection (2), the 20,000 gross square foot exemption shall be based on the total gross square footage of floor area added to the building.
- 3) Office Conversions: The minimum required off-street vehicle parking spaces for buildings converted from non-office use to office use is one-half of the requirement for new offices; that is, one-half of one space for every 600 gross square feet of floor area converted to office use in excess of 20,000 gross square feet.
- 4) Maximum Off-Street Parking: The maximum amount of off-street vehicle parking permitted for new offices, office additions, and office conversions is one space for every 500 gross square feet of floor area in excess of 20,000 gross square feet.
- 5) Bicycle Parking: The minimum number of required off-street bicycle parking facilities within the Central Business District shall be as follows:
 - a) Office: One bicycle parking facility is required for every ten (10) off-street vehicle parking spaces, both on-site and off-site required after any vehicle parking reduction measures are approved. Fifty percent (50%) of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
 - b) Hotel and Motel: One bicycle parking facility is required for every fifty percent (50%) off-street vehicle parking spaces, both on-site and off-site, required after any vehicle parking reduction measures are approved. Fifty percent (50%) of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.

- c) Apartments: One bicycle parking facility is required for every twenty-five (25) off-street vehicle parking spaces required, both on-site and off-site. Fifty percent (50%) of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class II or Class III. Developments which provide an individual enclosed garage for each unit are exempt from this requirement. (Ordinance No. 83-041, April 5, 1983).
- 6) Redevelopment Projects and Projects Under Contract with City Exempt: New offices, office additions, and office conversion projects for which the Redevelopment Agency or the City of Sacramento has entered into a contract with a developer, which governs the requirements for development of the building and the parcel or parcels upon which it is or is to be located are exempt from the off-street vehicle and bicycle parking requirements of Section 6-D-1.
- c. Central Business District Off-Street Vehicle Parking Reduction: The Planning Commission may permit, by approval of a Special Permit up to 60 percent of the off-street vehicle parking requirement for new offices, and up to 100 percent of the off-street vehicle parking requirement for office conversions and office additions, to be satisfied by one or more of the trip reduction measures specified in Section 6-F-5-b, Subsections A, B, C, D, E, F, G, H, J, and L, subject to compliance with the provisions of Section 6-E-4-a. The maximum parking reduction allowable is:
- 1) Preferential Employee Carpool/Vanpool Parking Spaces - 5%
 - 2) Transportation Coordinator - 5%
 - 3) Transit Passenger Shelter - 2%
 - 4) Bus/Light Rail Transit Station Subsidy - 10%
 - 5) Transit Operating Subsidy - 20%
 - 6) Buspool/Shuttle Bus Program - 20%
 - 7) Vanpool Program - 10%
 - 8) Showers and Lockers - 5%
 - 9) Other Measure - To be determined, but not exceeding 10%
- 10) Transit Pass Subsidy: The Planning Commission may permit up to 80 percent of the required off-street vehicle parking requirement to be satisfied if a 100 percent monthly transit pass subsidy is provided to the workers of the development for each parking space reduced. The Planning Commission may permit up to 40 percent of the required vehicle parking requirement to be satisfied if a 50 percent monthly transit pass subsidy is provided to the workers of the development. Under the 50 percent subsidy option, off-street vehicle parking spaces shall be substituted at a ratio of one-vehicle parking space for every 2 monthly transit passes offered to any worker of the development, at a cost which equals the difference between the then prevailing cost of the pass and the amount of subsidy. For both of these subsidy options, the minimum duration of this transit pass program shall be 25

years. The applicant may utilize either payment method described in Subsections (a) and (b) below. The property owner shall be required to enter into an agreement with the City and the Sacramento Regional Transit District or other appropriate transit agency which sets for the administration of the program and other relevant provisions. This agreement shall be recorded and shall bind all successors to the property.

- a) Trust Fund Option: The Special Permit shall state the then prevailing rate for a Sacramento Regional Transit District monthly transit pass times the level of subsidy proposed. The permit shall require the applicant to pay a fee equal to 300 times the transit pass rate, as adjusted, by the number of off-street vehicle parking spaces being substituted. The fee shall be paid into a trust account created and administered by the City or its designee and shall be used to purchase from the Sacramento Regional Transit District or other appropriate transit agency monthly transit passes and tokens for the workers of the building for the 25-year term of the program. It shall be the responsibility of the property owner to distribute these passes and tokens to the workers of the development each month. This fee shall be paid prior to issuance of the building occupancy permit.
- b) Annual Payment Option: In lieu of the payment option set forth in (a) above, the Planning Commission may, by condition of the special permit, allow payment of the transit pass fee on an annual basis; in which case the annual fee for each required off-street parking space being substituted shall be in the amount of twelve times the rate of a monthly transit pass, as adjusted, by the number of off-street vehicle parking spaces being substituted for the first 5 years. From the 6th through the 10th year of payment, the fee shall be twelve times the rate of a monthly transit pass, as adjusted, at the end of the 5th year times the number of off-street vehicle parking spaces being substituted, plus five percent. For the 11th through the 15th year of payment, the fee shall be twelve times the rate of a monthly transit pass, as adjusted, at the end of the 10th year times the number of off-street vehicle parking spaces being substituted, plus ten percent. For the 16th through the 20th year of payment, the fee shall be twelve times the rate of a monthly transit pass, as adjusted, at the end of the 15th year times the number of off-street vehicle parking spaces being substituted, plus fifteen percent. For the 21st through 25th year of payment, the fee shall be twelve times the rate of a monthly transit pass, as adjusted, at the end of the 20th year times the number of off-street vehicle parking spaces being substituted, plus twenty percent. The total annual fee required shall be paid directly to the Sacramento Regional Transit District or other appropriate transit

agency on or before June 15th of each year for the 25-year term. At any time during the 25-year period, the applicant or any successor in interest may pay off the remaining balance due based on the then prevailing annual fee times the number of years remaining of the 25-year term. This payment shall then be deposited into a trust account created and administered by the City or its designee and shall be used to continue the transit pass subsidy program. It shall be the responsibility of the property owner to distribute these passes and tokens to the workers of the building each month.

- d. Substitution of Off-Site Parking for Required On-Site Parking: A Special Permit may be granted to locate required off-street vehicle and bicycle parking on a parcel(s) within a quarter mile radius of the subejct site, or, if the applicant provides a permanent and effective means of transporting employees or patrons from the parking parcel(s) to the subject site, beyond a quarter mile radius. A Special Permit may be granted only if the applicant provides written evidence that users of the subject site will have an unrestricted exclusive right to use the other parcel(s) for parking for a period of not less than 10 years.
 - e. Attendant Parking: A Special Permit may be issued to allow off-street vehicle parking to be developed as attendant parking. (Ordinance No. 83-059, May 24, 1983).
2. Off-Street Parking Facility Permit Required: Except for single or two-family dwellings, a parking facility permit is required to establish any off-street parking facility. With the exception of the situation set out in paragraph 1 of this Section, said permit shall be issued by the Planning Director upon a determination by the Building Inspector, City Engineer, Traffic Engineer, Superintendent of Streets, Tree Division, and Planning Director, that the facility complies with all applicable laws and regulations. Applicants for a parking facility permit shall be accompanied by a filing and investigation fee of \$65.00. (Ordinance No. 4096 Fourth Series, effective July 29, 1978)
 3. Surfacing: Surfacing is required for all off-street parking, loading, storage, sales, rental or service areas for vehicles including service stations and used car lots. Surfacing required: 2" compacted asphaltic paving over 4" aggregate base rock, or 3" portland cement paving. Paving to include driveways from facility to edge of public street paving. Provided, however, that a maximum of two (2) feet of any parking stall depth, as specified in the charts included in Section 6-C-1-a, may be unpaved if such area is landscaped and a six (6) inch high and thick raised front bumper curb separates the landscaped and paved portions of the parking stall. (Ordinance No. 82-039, June 1, 1982).
 4. Drainage: Drainage is required for all surfaced areas in accordance with specifications established by the City Engineer.

5. Planter: A planter, landscaped in screening shrubs, is required adjacent to the property line abutting a public street, for all required surfaced areas. Surround planter with 6" raised concrete curbing. The minimum width of planter, excluding curbing, shall be 4 feet. Install irrigation system in each separate planter area. Planter area shall not be surfaced in part or whole with concrete, asphalt or other surface material, but shall contain earth and living ground cover.
6. Bumper Curb: A raised bumper curb of concrete 6" high and thick is required adjacent to the property line abutting a public street right-of-way for all existing parking areas established prior to Ordinance No. 2115 Fourth Series, June 16, 1956).
7. Superseded by Section 3.7.
8. Lighting: Lighting, if provided, shall reflect away from residential areas and public streets.
9. Walkway: A walkway, if provided adjacent to a building and parking stalls, shall be at least six feet in width.
10. Use: Parking facilities shall be used for automobile parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted.
11. Increases: An increase in building size, either by units or dimensions shall require parking for said increase only when it is 15 percent or more of the original building size or number of units. Any building or structure moved from one lot to another shall provide parking as required for a new building.
12. Fractional Requirements: Fractional requirements up to one-half shall be omitted. One-half or over shall require one space.
13. Parking in Setback Areas Prohibited: Required parking may be provided in the front or street side yard setback area only when property is used for one or two family dwellings. When used for multiple family purposes or in the M-1S and M-2S zones, the parking stalls and maneuvering areas shall not be located in any required minimum front or street side yard setback area.
14. Ownership: Required parking shall be provided and maintained in the same ownership and on the same property as the major land use it is intended to serve.
15. Certificate of Occupancy: A certificate of occupancy may not be issued for any building or structure until all requirements of this Section are complete, in place and ready for use.
16. Zoning: No parking facility shall be located on property which has more restrictive zoning than the major land use it is intended to serve, except by Special Permit of the Planning Commission after Public Hearing noticed and conducted in compliance with Section 15

and 18 of this Ordinance. However, any SC, C, or M zoned property may be used for off-street parking facilities subject to the terms of the applicable provisions of subparagraphs 1 and 2 of this Section.

17. Wholesale, Warehousing, Manufacturing: If a fewer number of parking stalls are actually required, based on the number of employees in the building and other factors, the Planning Commission may, on the basis of submitted evidence, vary the amount of required parking for wholesale, warehousing and manufacturing uses.
18. Parking "Old City" 40 Foot by 80 Foot Lots: The Planning Commission may issue a Special Permit for the development of 40' by 80' "Old City" lots without off-street parking. This exception shall not apply to alley corner lots and all lots within the R-4A and R-O zones.
19. Tree Shading: Trees shall be planted and maintained throughout the surface parking lot to ensure that, within 15 years after establishment of the parking lot, at least 50 percent of the parking area will be shaded. This should be calculated by using the diameter of the tree crown at 15 years. Each planting area shall be of adequate size for the landscaping approved and shall have adequate irrigation for that landscaping. The Director of Community Services shall establish a list of species appropriate for providing shade in parking lots, and shall review site plans of each parking lot to determine whether or not the lot complies with this Section. Trees planted in order to comply with the regulations of the Section shall be selected from the list prepared by the Director of Community Services. (M-722, Ordinance No. 83-055)

E. TRIP REDUCTION REGULATIONS

1. Affected Developments: The provisions of Section E shall apply solely to the following types of projects:
 - a. Minor Projects: Any development proposal which is expected to be the primary place of business of between 50 and 199 full-time workers shall be deemed a Minor Project.
 - b. Major Projects: Any development proposal which is expected to be the primary place of business of 200 or more full-time workers shall be deemed a Major Project.
 - c. Expansion Projects: Any development which proposes structural expansion of 25 percent or more and which after such expansion will be the primary place of business of between 50 and 199 full-time workers shall be deemed a Minor Project. If after such expansion the development will be the primary place of business of 200 or more full-time workers, it shall be deemed a Major Project.
2. Exempt Projects: Temporary construction activities shall be exempt from the provisions of this Section 6-E.
3. Occupancy Calculation Methods:

- a. For the purpose this Section 6-E, the following chart shall be used to estimate the total number of full-time workers expected to occupy a development.

<u>TYPE OF DEVELOPMENT</u>	<u>NUMBER OF WORKERS PER GROSS SQUARE FEET</u>
Office (excluding Medical Offices)	.0035
Hospital and Medical Offices	.0025
Industrial (non-warehousing)	.0020
Commercial	.0020
Industrial-Warehousing	.0010
Mixed/Multiple Uses	The minimum building size for mixed or multiple use developments shall be calculated based on the proportion of the development devoted to each type of use

- b. The applicant may submit information indicating the actual number of full-time workers that will occupy the development. Subject to approval by the Planning Director, these figures may be accepted in lieu of using the above chart.

4. Development Standards:

- a. Minor Projects: The property owner of every Minor Project shall:
- 1) Post information provided by the City or other designated agency which describes the benefits of transit, ridesharing and bicycling as commute methods and which describes facilities, services, schedules, rates, and other pertinent information relevant to such transportation options.
 - 2) Coordinate with CALTRANS Sacramento Rideshare personnel or other authorized ridesharing outreach agency for the distribution of information and transportation surveys to the workers within the development on an annual basis.
- b. Major Projects: Every Major Project shall be required to obtain a Planning Director's permit, approval of which shall be conditioned upon compliance with the following provisions:
- 1) Comply with the regulations applicable to Minor Projects as specified in Section 6-E-4-a.
 - 2) Prepare and implement a Transportation Management Plan designed to achieve a reduction in the number of vehicle trips that would otherwise be generated by the development. The Plan shall consider inclusion of the following measures. The measures to be included in the Plan shall be selected by the applicant; however, the Planning Director may deny the applicant the right to utilize a particular measure(s) if the standards specified for each measure(s) are not met. In addition to the list of selected measures, the Plan shall

also describe an implementation schedule for each measure and the proposed methods of administering the Plan. After approval by the Planning Director, the Plan shall be binding upon the property owner and any successors in interest. The Plan obligations shall either be included in the covenants, conditions and restrictions prepared for the development and recorded as part of that document, or separately recorded. The filing fee for this permit shall be in an amount specified by resolution of the City Council. At any time after the original Plan has been approved, the property owner may request modification of the Plan by filing an application and a processing fee, in the amount specified by resolution of the City Council.

- a) Preferential Employee Carpool/Vanpool Parking Spaces: The applicant may designate at least 10 percent of the required employee vehicle parking spaces as "Carpool/Vanpool Only". Such spaces shall be located near building entrances, in a covered or shaded area, or other preferential location. If parking fees are imposed, a more favorable parking rate for carpools and vanpools shall be offered. The administration and enforcement of this preferential parking program shall be the responsibility of the property owner.
- b) Transportation Coordinator: The applicant may designate a person or persons to act as the liason with providers of transit, ridesharing and bicycling information and services. The responsibility of the designated Transportation Coordinator(s) shall be to distribute information and otherwise assist interested workers of the development in their attempts to utilize transit, ridesharing and bicycling as their primary commute method.
- c) Transit Passenger Shelter: If the proposed development is located along a major arterial that is an existing or designated transit route and a finding is made by the Sacramento Regional Transit District or other transit agency serving the site that a passenger shelter is needed in the vicinity of the development, the applicant may agree to construct or pay for the construction of such a shelter on or adjacent to the subject property. The design, maintenance, liability, and ownership of the shelter and other applicable provisions shall be set forth within an agreement between the applicant and the District or other appropriate transit agency.
- d) Bus/Light Rail Transit Station Subsidy: If the proposed development is located within 1,320 feet of an existing or designated bus transit center or light rail transit station, the applicant may agree to pay all or part of the cost of land, construction and/or maintenance of either that center/station or another center/station

within the transit system. The amount of funds, payment arrangements, use of the funds, and other applicable provisions shall be set forth within an agreement between the property owner and either the Sacramento Regional Transit District or other appropriate transit agency.

- e) Transit Operating Subsidy: If the proposed development is located within 1,320 feet of an existing or designated bus route or light rail transit station, the applicant may agree to pay a one-time transit operating cost subsidy to the Sacramento Regional Transit District or other transit agency serving the site. The amount of funds, payment arrangements, use of the funds, and other applicable and other applicable provisions shall be set forth within an agreement between property owner and either the Sacramento Regional Transit District or other appropriate transit agency.
- f) Transit Pass Subsidy: The applicant may provide a 50 to 100 percent monthly transit pass subsidy for the benefit of persons who utilize transit services as their primary commute method to the subject property. This measure may be utilized only if the proposed development is located within 1,320 feet of an existing or designated transit route and the Sacramento Regional Transit District or other transit agency serving the site determines that the transit services provided along the adjacent transit route(s) have the capacity to accommodate additional transit riders. The applicant shall specify the total amount of subsidy, the number of passes to be subsidized, and the period of time that the subsidy program will be in effect. The property owner shall enter into an agreement with the Sacramento Regional Transit District or other appropriate transit agency specifying these and other relevant provisions.
- g) Buspools/Shuttle Bus Program: The applicant may establish and subsidize all or part of a buspool or shuttle bus service. The service shall transport workers from park-and-ride lots, transit stops or other designated locations to the project site during the morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 p.m. to 6:00 p.m.) peak commute periods. There must be at least one bus operating within the morning and afternoon peak commute period. The applicant shall specify the level of services to be provided, the number of workers that are anticipated to utilize this service, the duration of the program, and the amount of user fees to be charged over the life of the program.
- h) Vanpool Program: The applicant may offer to purchase, lease, or otherwise subsidize the capital and/or operating costs of one or more vanpools used by the workers of the development. The applicant shall specify

the type and level of vanpool assistance to be provided throughout the duration of the program, the number of vans to be subsidized, the number of anticipated vanpool participants, and the period of time that the vanpool program will be in effect.

- i) Parking Fees: The applicant may impose a monthly parking fee for some or all of the workers of the development whose primary commute method is by a single occupant motor vehicle if the Planning Director determines that such a program will not create adverse parking impacts to adjacent developments. The applicant shall specify the amount of parking fees to be imposed throughout the duration of the program, the number of workers that are anticipated to be required to pay the fees, and the period of time that this program will be in effect.
- j) Showers and Lockers: The applicant may provide shower and locker facilities for the workers of the development to encourage bicycle commuting. The applicant shall specify the number of and location of such facilities and whether user fees will be imposed.
- k) Flexible Work Hours: If the property owner will be the sole occupant of the building, (s)he may provide that a majority of the workers within the development who utilize ridesharing, transit, or bicycling as their primary commute method will be given the right to alter the normal daily working hours of 8:00 a.m. to 5:00 p.m. by a minimum of one-half hour. In the event the property owner sells the building or is no longer the sole occupant of the building, the successors in interest and the new lessees must either agree to abide by this work hour policy or request a plan amendment and implement an alternative trip reduction measure.
- l) Any other program designed by the applicant which will potentially result in some level of trip reduction, subject to the approval of the Planning Director.
- 3) The Planning Director may waive the Transportation Management Plan if (s)he finds that said compliance would create an undue hardship on the affected development as a result of special or peculiar operating characteristics.
- 5. Off-Street Vehicle Parking Reductions: Any development project which is required to comply with the provisions of Section 6-E-4-b shall be eligible for a reduction in the amount of required parking pursuant to this Section 6-F.

F. OFF-STREET VEHICLE PARKING REDUCTION

1. Parking Reduction Levels:

- a. For any non-residential development required to provide at least 25 off-street parking spaces pursuant to this Section 6-A, the Planning Commission may reduce, by approval of a Special Permit, required parking in the following percentages:

Office	10 percent
Medical Office/Hospitals	8 percent
Commercial	5 percent
Industrial	10 percent

The Special Permit shall be subject to implementation of one or more of the trip reduction measures specified in Section 6-E-4-b, Subsections C through L and compliance with Section 6-E-4-a. Prior to the approval of the Special Permit, the Planning Commission shall find that the proposed level of parking reduction will not adversely affect the supply of on-street parking which abuts residentially zoned property in the immediately surrounding area.

- b. The maximum reduction of required parking that may be allowed for each eligible trip reduction measure is:

- 1) Transit Passenger Shelter - 1 percent or 3 spaces, whichever is less.
- 2) Bus/Light Rail Transit Station Subsidy - 5 percent or 20 spaces, whichever is less.
- 3) Transit Operating Subsidy - 5 percent or 20 spaces, whichever is less.
- 4) 50 percent Transit Pass Subsidy - 5 percent or 20 spaces, whichever is less.
- 5) 100 percent of Transit Pass Subsidy - 10 percent or 40 spaces, whichever is less.
- 6) Buspool/Shuttle Bus Program - 10 percent or 40 spaces, whichever is less.
- 7) Vanpool Program - 5 percent or 20 spaces, whichever is less.
- 8) Employee/Tenant Parking Fees - 5 percent or 20 spaces, whichever is less.
- 9) Showers and Lockers - 2 percent or 10 spaces, whichever is less.
- 10) Flexible Work Hours - 2 percent or 10 spaces, whichever is less.
- 11) Other Measure - to be determined, but not exceeding 10 percent.

2. Light Rail Stations: The Special Permit described in Section 6-D-1-a may authorize an additional 10 percent parking reduction for all non-residential developments which are located within 660 feet from an existing or designated light rail transit station if one or more of the trip reduction measures set forth in Section 6-E-5-b, Subsections D, E, and F are implemented. The maximum reduction, in addition to the reduction specified in Section 6-F-1, allowable for each measure is:

- a. Bus/Light Rail Transit Station Subsidy - 5 percent or 20 spaces, whichever is less.
- b. Transit Operating Subsidy - 5 percent or 20 spaces, whichever is less.
- c. 50 percent Transit Pass Subsidy - 5 percent or 20 spaces, whichever is less.
- d. 100 percent Transit Pass Subsidy - 10 percent or 40 spaces, whichever is less.

G. MINIMUM BICYCLE PARKING REQUIREMENTS (ORDINANCE NO. 83-041, APRIL 5, 1983)

- 1. Except as provided in Section 6-D-1-b-(5) of this Ordinance, the following minimum off-street bicycle parking facilities shall be required for all new or expanded developments.
 - a. Office: One bicycle parking facility is required for every fifteen (15) off-street vehicle parking spaces required. Fifty (50) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
 - b. Medical Clinic or Office: One bicycle parking facility is required for every thirty (30) off-street vehicle parking spaces required. Fifty (50) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
 - c. Hospitals: One bicycle parking facility is required for every fifty (50) off-street vehicle parking spaces required. Twenty-five (25) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
 - d. Commercial: One bicycle parking facility is required for every twenty-five (25) off-street vehicle parking spaces required. Twenty-five (25) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
 - e. Restaurant: One bicycle parking facility is required for every fifty (50) off-street vehicle parking spaces required. Twenty-

five (25) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.

- f. Hotel and Motel: One bicycle parking facility is required for every fifty (50) off-street vehicle parking spaces required. Twenty-five (25) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
- g. Industrial: One bicycle parking facility is required for every twenty-five (25) off-street vehicle parking spaces required. Fifty (50) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.
- h. Apartments: One bicycle parking facility is required for every ten (10) off-street parking spaces required, excluding developments which provides individual enclosed garages. Fifty (50) percent of the required bicycle parking facilities shall be Class I. The remaining facilities may be Class I, Class II or Class III.

lr/pc

SECTION 7

TOWNHOUSE ZONE

SECTION 7: TOWNHOUSE ZONE

- A. REGULATIONS ADOPTED: The provisions of this Section shall apply to all property located in the R-1A Townhouse Zone. In addition, where indicated, certain provisions of this Section shall also apply to townhouse or related developments in other zones.

The purpose and intent of the R-1A Zone and this Section is to provide a zoning instrument for the development of different types of housing arrangements. This Section is intended to be utilized for the development of residential projects wherein the units are intended for occupancy by individual owners, such as condominiums, cooperatives or other similar projects.

- B. USES PERMITTED: The following uses are deemed to be within the scope of this Section:

1. Townhouses, row houses, cluster housing developments, patio developments and other similar types of housing units. (In addition, an incidental amount of detached single family dwelling units may be included as part of the overall project).
2. Accessory structures and uses designed and constructed for the exclusive use of the residents of the project including recreational facilities such as a playground, swimming pool or clubhouse, and service facilities, such as garages, carports, parking areas, laundry facilities and other similar accessory features.

- C. SPECIAL PERMIT REQUIRED: A Special Permit granted by the Planning Commission is required to develop any Townhouse, Row House, Cluster Housing, Patio House, or other similar housing units within the R-1A Zone. The Commission, in granting said permit, may modify any of the provisions of Chapter 40 of the City Code except Section 40.12, 40.23, and 40.24 thereof in the event dedicated public streets are part of the developer's plan, and excepting further, Sections 40.25, 40.26, 40.27, 40.28, 40.31, 40.32, and 40.33.
(SEE ORDINANCE #3362-4TH SERIES, Section 2)

- D. DEVELOPMENT STANDARDS: The following development standards shall apply to projects approved under this Section:

1. Design: The proposed site development plan must integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking, and other site features in such a way as to produce a development which provides for all desirable residential features and environmental amenities. Further, the proposed development shall not adversely affect the existing or proposed future development of the surrounding areas.

2. Density: The density standards of the R-1 zone shall apply to the use herein permitted except that the Planning Commission may authorize a greater density under the Special Permit if the proposed project will result in a development which provides for all desirable residential neighborhood characteristics and site amenities. In no case, however, shall the density of a R-1A project exceed 15 dwelling units per net acre.

E. PROCEDURE:

1. Preliminary Plans: Preliminary plans shall be submitted to the Planning Director for review and comment prior to filing an application for rezoning or Special Permit under this Section.
2. Applications: Applications for a Special Permit under this Section shall be filed with the Planning Commission and shall be subject to a filing and investigation fee of \$75. Said application shall be accompanied by two copies of the proposed development plans. When an application for a Special Permit is filed concurrently with the rezoning application for the same property, no additional fee shall be charged for the Special Permit application.
3. Approval: The Planning Commission may issue a Special Permit for the development as submitted or subject to such modifications or conditions it deems warranted to carry out the purposes of this Ordinance. The Commission may prescribe the time limit within which the development shall take place and may prescribe the sequence of the development.
4. Inspection: No dwelling unit within a Townhouse or related development may be occupied until an inspection of the project has been made by the Planning Director to see that all conditions of the Special Permit have been complied with. Furthermore, all utilities, streets, walkways, parking areas, fences, and landscaping must be installed and completed prior to occupancy or assurance, satisfactory to the Planning Director, furnished to guarantee their completion.
5. Expiration: In any case where a Special Permit has been granted under this Section, a building permit must be obtained therefor and construction started within a one-year period. If a building permit is not obtained or construction not started within said one-year period said Special Permit shall be null and void. A Special Permit may be extended for one year periods upon application in writing prior to expiration.
6. Permit Non-Transferable: A Special Permit granted for a Townhouse Development or related development is not transferable and shall be null and void if prior to construction of the project, there is a change in the ownership of the land for which said permit has been issued. A transfer of title from the permit holder to any non-profit corporate association

having as its specific purpose the care, maintenance and/or utilization of the common areas of said project for the use, benefit and enjoyment of the owners of individual properties in said subdivision shall not constitute such a transfer as is herein prohibited.

- F. REQUIREMENTS APPLICABLE TO OTHER ZONES: Where separately owned town-house or related housing units or lots are to be developed in residential zones other than the R-1A zone, the following Sections of the Code shall apply to such developments:
1. Special Permit: A Special Permit is required.
 2. Density: The density of the Zoning District in which the property is located shall apply to residential uses within that zone and the Commission shall shall not have the authority to increase the maximum densities permitted in said zones.
 3. Modification of City Code Provisions: The provisions of Subsections C, E and F of this Section shall apply to development of any townhouse, row house, cluster housing, patio house or other similar development within a zone other than the R-1A zone, when any or all individual dwelling units therein are proposed for development and sale as a condominium cooperative or other similar project.
(SEE ORDINANCE #3362-4TH SERIES, Section 3)

SECTION 8

PLANNED UNIT DEVELOPMENTS

SECTION 8: PLANNED UNIT DEVELOPMENTS

- A. **PURPOSE:** The purpose of this Section is to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations. It is the intent of this Section to encourage the design of well-planned facilities which offer a variety of housing or other land uses through creative and imaginative planning, among them the following types of developments:
1. Residential: Residential subdivision developments which may include a variety of housing types and site plans, accessible open "green spaces," or common recreational areas, an attractive and well-oriented community meeting place or recreational facility, and other features of substantial benefit to a viable and balanced community.
 2. Residential-Business Development: Mixed residential-business developments combining among other things, apartments, convenience shopping facilities, motel-hotel combinations, offices, commercial recreation facilities, or other compatible uses grouped in a well-designed and coordinated site development.
 3. Industrial Development: Well-designed and controlled groupings of research, service, or light industrial uses within an area containing visual and operational amenities and features, such as selective occupancies, setbacks, landscaping, and bulk and building material controls.
- B. **GENERAL CRITERIA:** In administering the provisions of this Section the Planning Commission shall take into consideration the extent to which the proposed planned unit development generally promotes the purpose of this Section. It is intended that this Section be utilized for large acreage developments capable of achieving the distinct environmental characteristics intended by the Planned Unit Development criteria set forth in this Section.
1. It is not intended to encourage or permit a property owner to increase the development potential of his property merely by increasing the density of his project, contrary to the regulations imposed by the zoning applicable to the property.
 2. It is not intended that this Section shall be used solely to create a development potential for small or difficult parcels of property created or remaining as a result of subdividing, freeway construction, or other contributing factors.
 3. It is not intended to allow the provisions of this Section to be used to create incompatible uses within a general neighborhood, notwithstanding the quality of the particular planned unit development proposed.

★ C. APPLICABILITY:

1. PUD Designation: The PUD designation appearing on the official zoning map indicates that the property so classified is subject to the requirements and restrictions set forth in this section in addition to the indicated land use zone (underlying zone); provided, however, that in granting a special permit for a development pursuant to this section, the Planning Commission may modify regulations set forth in this ordinance otherwise applicable to such property in accordance with the standards and procedures set forth in subsection E of this section.
2. Criteria: The PUD designation may be applied to all areas of the city for which the Council determines that: the purpose and criteria of this section are met or for which the Council determines that due to the mixture of conditions, or the relation of the property to adjacent land uses and its community; that development in accordance with the requirements and restrictions of this section is necessary in order to properly evaluate the interrelationships of land uses, buildings, structures, and other features of the area and to provide design and other controls as may be necessary to insure that the development of the area will be consistent with the General Plan and all applicable specific plans, will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of the Zoning Ordinance.
3. Special Permit Required: Except as otherwise provided in this section, a special permit shall be required for development within an area designated for planned unit development.

★ D. PLANNED UNIT DEVELOPMENT DESIGNATION:

1. Application - Procedure - Notice: Planned Unit Development designation shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this ordinance.

** An application for a planned unit development designation which is not submitted together with a schematic plan shall be subject to a filing and investigation fee of \$385. An application for a planned unit development designation which is submitted concurrently with a schematic plan shall not require an additional fee for the planned unit development designation but shall be subject to the fee for the schematic plan set forth in Section 8-D-6.
2. Areas in Single Ownership: The Planning Commission, the City Council or the property owners may introduce designation of a planned unit development which shall apply to any single parcel of property or to any contiguous parcels of property which are owned by the same person or persons.
3. Property in Multiple Ownership: Designation of a planned unit development of property which is not all in the same ownership may only be initiated by a petition submitted on behalf of the owners of all of the property within the area.

**Ord. No. 4096-4th Series (Eff. 7/29/78)

*Ord. No. 4060-4th Series (Eff. 6/1/78)

4. Schematic Plan: No special permit may be issued for any development within a planned unit development until the City Council has adopted a resolution establishing an overall schematic plan for the entire area. The schematic plan shall include all of the material required for preliminary plans set forth in subparagraph E-4 of this section and such other specific details, elements, conditions and restrictions as the Council may deem warranted to carry out the purpose of this section, including conditions and restrictions related to size, timing and sequence of development. As part of the schematic plan, the Council may also designate specific areas for which the Council determines that the requirements and restrictions generally provided by this section are not necessary in order to insure that proper development of such area and indicating that such specific areas may be developed without requiring a special permit.
5. Notice and Hearing for Adoption of Schematic Plan: The Planning Commission and the City Council shall each hold a hearing on the adoption of a schematic plan. The procedural requirements for a schematic plan adoption hearing shall be governed by the provisions of Section 18 of this ordinance to the extent that Section 18 provisions do not conflict with this subsection, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Section 13 of this ordinance.
- **6. Filing Fee for Schematic Plan: A schematic plan for a planned unit development shall be filed with the Planning Commission and shall be subject to a filing and investigation fee of \$1,000.00 if the planned unit development is fifty acres or less and subject to a filing and investigation fee of \$1,360.00 if the planned unit development is larger than fifty acres.
7. Effect of Designation and Approval of Schematic Plan: A Planned Unit Development designation constitutes an overlay zone. However, approval of a planned unit development designation or a schematic plan does not establish an underlying zone or enlarge the uses provided by a zoning classification, or establish the rights for a special permit.
- **8. Amendment of Schematic Plan:
- a) An amendment to the schematic plan for planned unit development may be initiated by the City Council, the Planning Commission, or by the owner of any parcel of property within the planned unit development.
 - b) An application for an amendment to the schematic plan of a planned unit development shall be filed with the Planning Commission and shall be subject to a filing and investigation fee of \$200.00 if such amendment application is not submitted concurrently with an application for a special permit. If an application for an amendment to the schematic plan is submitted concurrently with an application for a special permit, no additional fee shall be required but the application shall be subject to the applicable fee for a special permit in accordance with Section 15 of this ordinance. The Planning Commission and the City Council shall not hold a hearing on amendment to a schematic plan.

- c) The procedural requirements for a schematic plan amendment hearing shall be governed by the provisions of Section 18 of this ordinance to the extent that Section 18 provisions do not conflict with this section, and notice of the hearing shall be provided in the same manner and to the same extent as required for rezoning of property pursuant to Section 13 of this ordinance.
9. Development Plans: No special permit may be issued for any parcel of property for which the Planning Commission has not approved development plans conforming to Section E-5 of this section for the parcel on which the development is sought. Said development plans may be approved concurrently with the approval of the special permit.
10. Relation of Fees to Rezoning: No additional fee shall be required for the rezoning of property which is included within a planned unit development if such rezoning application is submitted concurrently with an application for a special permit to develop such property. If rezoning of property subject to a planned unit development designation is sought independently from an application for a special permit to develop such property, the applicable rezoning fee set forth in Section 13 of this ordinance shall be required. If the rezoning is sought concurrently with a special permit, the applicable special permit fee set forth in Section 15 of this ordinance shall be applicable. (SEE ORDINANCE 4096-4TH SERIES, SEC. 10 - Adding 8-D-10).

E. **PLANNED UNIT DEVELOPMENT PROJECTS:** A Special Permit for a Planned Unit Development Project shall be issued pursuant to this subsection E. The Planning Commission in the Special Permit may modify zoning regulations relating to height, setback and area requirements, and other provisions of this Code, provided that the following standards shall be applied:

1. Design Standards: The proposed development project must be designed to provide over-all standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of this Ordinance.
2. Density Standards: The density standards of the zone in which the property is located shall apply to residential uses except that the Commission may authorize a greater density if the proposed design will result in a development project which provides greater open spaces and other desirable features not a regular requirement of the zone. The total number of dwelling units permitted on the residential portion of a Planned Unit Development Project, or a segment thereof, shall be determined by dividing the total area of the site by the density factor for the zoning district in which it is located, subject to the following conditions:
 - a) The following shall not be included in the site area for computing the number of dwelling units permitted: public streets, park or recreation areas, or other publicly owned facilities, flood areas, river levee easements, drainage channels or canals, or other similar unbuildable site areas.
 - b) If Commission determines that the following site features materially contribute to the improvement of the over-all project as a Planned Unit Development, the area of such site features may be included for determining the allowable residential density of a project: privately owned and developed open space, recreation or park area, park strips, private driveways, parking areas, transmission tower easements, and other similar features.
 - c) In no case, however, shall the density of a project be increased beyond the ratio permitted in district in which the project is located.
3. Uses: Accessory uses primarily for the convenience of the occupants of the development may be permitted by the Planning Commission. Except for such permitted accessory uses, the property shall be used only for the uses permitted in the zone in which it is located which have been expressly authorized in the special permit approving the Planned Unit Development Project.

4. Preliminary Plans: Preliminary plans shall be submitted to the Director for review prior to submission of an application for a Special Permit. Such preliminary plans shall include an over-all schematic plan designating the location of proposed land uses, general description of the types and intensities of uses proposed for each parcel, the approximate acreage of land area proposed for each use, and the proposed traffic circulation system. The Director shall return said plans to the applicant with a copy of his comments and recommendations which may include comments and recommendations from other city departments and other public agencies affected by the development.
5. Tentative Plans: After return of preliminary plans, the applicant, prior to filing his application, shall submit more detailed tentative plans to the Planning Director for his review and comments.
 - a) The plans shall include the previously described over-all schematic plan and more detailed plans of the various elements of the proposed development, said detailed plans to be prepared at a scale sufficient to permit evaluation of all pertinent site details. In addition, elevation drawings shall be included which will clearly indicate the architectural character of the proposed developments.
 - b) If residential developments are proposed, the plans shall indicate the approximate number of dwelling units, the density of dwelling units, and the type of dwelling units proposed.
 - c) The plans shall indicate the character of the proposed development, including its relationship with the adjacent areas.
 - d) If the proposed project is to be developed as several stages, the plans shall indicate the anticipated sequence of development.
 - e) The plans shall show the proposed method by which the applicant will govern the maintenance and continued protection of the Planned Unit Development specifics including all common areas.
6. Special Permit - Application - Procedure - Notice:
 - a) Application: Applications for a Special Permit under this section shall be filed with the Planning Commission and shall be subject to a filing and investigation fee of \$100. Said application shall be accompanied by sufficient copies of the proposed development plans as determined by the Planning Director and other material as he may deem warranted. The Commission may limit permissible uses within a zoning district, prescribe the time limitation within which the development shall take place, prescribe the sequence of the development, and impose such other terms and conditions as are reasonably necessary to insure that development occurs in the manner proposed by the applicant.

- b) The procedural requirements for a Planned Unit Development Special Permit hearing shall be governed, to the extent the provisions of this section do not conflict therewith, by the provisions of Sections 15-A and 18 of this ordinance.
 - c) The hearing for a Flanned Unit Development Special Permit may, at the discretion of the Planning Director, be combined with the hearing at which the Planned Unit Designation and/or rezoning of property to accomplish the plan is considered. In such a case, only one filing fee shall be charged, said filing fee to be the highest amount charged as a filing fee for any one of the proposed actions.
7. Rezoning - Application - Procedure - Notice: A Special Permit for a Planned Unit Development does not establish a zoning classification or enlarge the uses provided in the classification. If the Planned Unit Development requires rezoning of property to accomplish the proposed project, the hearing for a rezoning may, at the discretion of the Flanning Director, be combined with the hearing at which the Planned Unit Designation and/or the issuance of the Special Permit to accomplish the plan is considered. In such a case, only one filing fee shall be charged, said filing fee to be the highest amount charged as a filing fee for any one of the proposed actions.
8. Expiration: In any case where a Special Permit has been granted under this Section, a building permit must be obtained therefor and construction started within said one year period; provided, however, that for good cause the Planning Commission may extend the term of the Special Permit for additional one-year periods upon written application prior to the expiration date.
9. Conditions on Transfer: REPEALED BY ORDINANCE NO. 4060 (effective June 1, 1978).

- F. ISSUANCE OF BUILDING PERMITS: Except as otherwise provided in the Special Permit or in the Resolution, no building permit shall be issued for any building or structure in a Flanned Unit Development Project or a land area covered by a Planned Unit Development Designation until the plans submitted for the building permit have been reviewed by the Planning Director and he has determined that said plans conform to a valid special permit issued for a Planned Unit Development under this Section. No building or structure unit within a Planned Unit Development may be occupied until an inspection of the project has been made by the Planning Director to see that all conditions of the Special Permit have been complied with.
- G. AUTHORITY TO ADOPT RULES: Without limiting in any way the general and implied authority of the Planning Commission to adopt rules and statements of

policy and guidance for the administration of other provisions of this ordinance, the Planning Commission may by resolution adopt such rules and regulations not inconsistent with the provisions of this Section as it deems necessary or desirable to carry out the intent of this Section.

SECTION 9

DEEP LOT AND INFILL DEVELOPMENT REGULATIONS

SECTION 9: DEEP LOT AND INFILL DEVELOPMENT REGULATIONS

A. DEEP LOT REGULATIONS

1. Purpose: Within the urbanized area of the City, there are a number of deep lots which only support one residential structure. In order to encourage the full development potential of these lots, the following regulations are adopted.
2. Deep Lot Defined: A Deep Lot is a single parcel in the R-1 or R-2 zone which is at least 160 feet deep and presently supports at least one dwelling unit. A Deep Lot may also be classified as an Infill Lot if it meets the Infill Site definition as set forth in this Section 9-B-2.
3. Subdivision Preferred: Deep lot development is permitted only where further subdivision of the subject parcel is not possible due to special circumstances, which include physical site constraints. Where appropriate, the City may require an irrevocable offer of dedication for future streets as a condition of approval.
4. Development Regulations:
 - a. Lot Area R-1 Zone: There shall be a minimum of 5,200 square feet of lot area for each dwelling unit. A remaining fraction of 2,500 square feet or more shall permit one additional dwelling unit.
 - b. Lot Area R-2 Zone: There shall be a minimum of 5,200 square feet of lot area for the first two dwelling units. For each additional 5,200 square feet of lot area, one additional dwelling unit may be erected. A remaining fraction of 2,600 square feet or more shall permit one additional dwelling unit.
 - c. Lot Area Variation/Dwelling Unit Density: Notwithstanding the provisions of Section 9-A-5, a deep lot for which a reduction in the minimum lot area specified in Sections 9-A-4-a and 9-A-4-b is sought, shall require a Special Permit issued by the Planning Commission. The Planning Commission shall have the authority to approve the Special Permit when such action is warranted by the shape, size and location of the parcel; or the location of the buildings proposed or existing on the property at the time of the application; provided that the density shall not materially and adversely affect the public welfare or be injurious to property and improvements in the neighborhood.

A deep lot which also meets the definition of an infill site shall be governed by the provisions of Subsection B of this Section 9.
 - d. Driveways and Parking Areas: All access driveways and parking areas shall be constructed and available for use prior to occupancy of any dwelling unit within the development. All

access driveways and parking areas shall be storm drained in accordance with the requirements of the City Engineer. All private access driveways and parking areas shall be constructed of a minimum of three inches of portland cement paving or shall be surfaced with hard durable plant mix asphaltic paving at least two inches thick after compaction, over four inches of aggregate base rock. If asphaltic surfacing is used, there shall be a header curbing of concrete at least six inches in width or a three foot wide raised concrete sidewalk. All materials shall comply with standard specifications adopted by the City of Sacramento. The following shall be minimum widths of private access driveways:

- 1) Serving one to three dwelling units - 10 feet
- 2) Serving four to seven dwelling units - 15 feet
- 3) Serving eight or more dwelling units - 20 feet

e. Sewer and Water Installation: Installation of sewer and water service to and on the property must meet special requirements established for this particular type of development by the City Plumbing and City Sewer and Water Divisions.

f. Size and Type of Dwelling Unit: Unless otherwise approved by the Planning Director or Planning Commission, all dwelling units shall consist of either detached single family dwellings or duplex units, or both. A review of preliminary plans by the Planning Department shall be made to determine the appropriate combination or types of units. No dwelling unit to be erected under the terms of this permit shall contain less than seven hundred (700) square feet of gross floor area. Notwithstanding the preceeding, the Planning Director or Planning Commission may waive the minimum seven hundred (700) square feet per dwelling unit requirement upon a determination that adequate living space will be provided for the proposed occupancy.

g. Must Remain One Parcel: The property on which the development is constructed shall remain as one unsubdivided parcel.

5. Planning Director's Permit Required: All Deep Lot developments shall be required to obtain a Planning Director's Permit. Within 1 year from issuance of the Planning Director's Permit, a building permit must be obtained and construction commenced for the additional dwelling unit(s). If a building permit is not obtained or construction started within said 1-year period, the Planning Director's Permit shall be null and void. No renewal of such permit may be granted. A new application must be submitted. A Planning Director's Permit granted for a Deep Lot development is not transferable and shall be null and void if, prior to construction of the project, there is a change in ownership of the land for which said permit has been issued.

B. INFILL SITE REGULATIONS

1. Purpose: The Infill Site regulations are intended to encourage the development of Infill Sites which would normally not occur due to

economic or physical site constraints by offering owners of such property more flexible alternative regulations to be applied at their option.

2. Infill Site Defined: An Infill Site is a residentially zoned vacant lot which meets all of the following criteria:
 - a. The lot is surrounded on at least three sides by development consistent with that planned for the surrounding property according to the applicable Community Plan or is contained within an infill area designated for infill development in the General Plan or applicable Community Plan. An infill area is an area which is surrounded on at least three sides by development consistent with that planned for the surrounding property according to the applicable Community Plan and for which development would not normally occur because of economic or physical site constraints.
 - b. The lot meets the size standards set forth in subparagraph (1) below or the Planning Commission has determined pursuant to subparagraph (2) below that the size standards may be exceeded:
 - 1) For lots zoned R-1 and R-2, the lot shall be no more than five (5) acres. For lots zoned R-1A through R-5 (except for R-2) the lot shall be no more than two (2) acres.
 - 2) The Planning Commission may grant a Special Permit pursuant to Section 15 of this Ordinance to exceed the size standards in subparagraph (1) above.
 - c. The lot has City sewer, water and drainage services or is within a proposed or existing assessment district for such services. Such services must be capable of serving the proposed development.
3. Infill Site Regulations: Except as specifically provided below, development of designated Infill Sites must comply with all regulations within this Ordinance.
 - a. Density Bonus: Notwithstanding the land use regulation provisions of Section 2-B of this Ordinance which prohibit two family dwellings in the R-1A zone and multiple family dwellings in the R-1, R-1A, R-1B and R-2 zones, and notwithstanding the minimum lot area per dwelling unit provisions of Section 3-B and 3-C of this Ordinance, the Planning Commission may allow up to a maximum 25 percent density increase above that which is currently allowed under Section 3 of this Ordinance or any residential development, subject to issuance of a Special Permit.
 - b. Minimum Yard Requirements: The Planning Commission may increase or decrease minimum yard requirements set forth in Sections 3-B and 3-C of this Ordinance, subject to issuance of a Special Permit. (Ordinance No. 83-130, October 13, 1983)

SECTION 10

MOBILE HOME PARK REGULATIONS

SECTION 10. MOBILE HOME PARK REGULATIONS

A. Regulations Adopted - General: The following general regulations are adopted for the development and maintenance of mobile home parks:

1. Minimum site area: Five acres.
2. Maximum density: 10 mobile home spaces per acre.
3. Use: No mobile home shall be used for any purpose other than residential occupancy. No commercial enterprise shall be carried on within the confines of a mobile home park other than that allowed by the zoning of the property on which said use is located or such other use as may be specified in the Special Permit.

B. Regulations Adopted - Site Standards: The following regulations are adopted as site standards for mobile home parks:

1. Front and/or street side yard setbacks: Whenever the zoning district in which a mobile home park is located requires a front and/or street side yard setback, said setback shall be provided and shall be permanently landscaped and maintained with groundcover, trees and shrubs.
2. Minimum interior side yard setback: 15 feet.
3. Minimum rear yard setback: 15 feet
4. Screen planting: All minimum interior side yard and rear yard setbacks shall consist of a minimum of a 10 foot wide planting area of groundcover, trees and shrubs to act as a screen between the mobile home park and abutting residential uses.
5. Access points: Access points shall be controlled through review of plans submitted on each individual Special Permit application.
6. Signs: Notwithstanding the provisions of Article II, Chapter 3 of the Sacramento City Code no sign or other form of advertising shall be permitted other than that necessary to identify the mobile home park. The design of said sign shall be submitted as part of the Special Permit application.
7. Lighting: Lighting shall consist of street electrolier type rather than flood lighting.
8. Driveways: All driveways or interior access streets shall be surfaced with a minimum of three inches of Portland Cement or with hard, durable plant mix asphalt paving at least two inches thick, after compaction over four inches of aggregate base rock in accordance with standard specifications adopted by the City of Sacramento. All such driveways or interior access streets shall be surfaced and

graded in such a manner that the drainage for the mobile home park shall drain to a contrally located drain or system of drains which shall be connected to the nearest storm sewer or other such system of drainage as may be approved by the City Engineer.

9. Fencing: A fence not less than five feet in height shall be erected along all interior side and rear lot lines and along street setback lines.
 10. Accessory buildings or structures: No accessory building or structure shall be erected or maintained in any required minimum setback area for the mobile home park or any individual mobile home space.
- C. Regulations Adopted - Mobile home space standards: The following site standards are adopted for mobile home spaces within each mobile home park:
1. Size: The average mobile home space shall not be less than 1,750 square feet with no space to be less than 1,000 square feet.
 2. Minimum front, side and rear yard setback: Each five feet.
 3. Landscaping: All minimum setback areas shall be permanently landscaped and maintained with groundcover, trees and shrubs.

Ordinance No. 4433, October 21, 1980

SECTION 11

HOME OCCUPATION REGULATIONS

SECTION 11: HOME OCCUPATION REGULATIONS

A. REGULATIONS: The provisions of this section shall control the conduct, establishment and maintenance of home occupations.

1. Permit required: No home occupation shall be established unless and until a permit therefor has been issued in accordance with the provisions of this section.
2. Fee: A fee of \$35.00 shall be paid by the applicant as part of the application for any home occupation permit which may be issued pursuant to this section by the Planning Director. A filing and investigation fee of \$115.00 shall be submitted by any applicant for home occupation permit which may be approved by the Planning Commission pursuant to this section. (SEE ORD. 4096-4TH SERIES, SEC. 11 - Amending 11-A-2)
3. Staff Permits: The home occupation permit shall be issued by the Planning Director for any of the following occupations. Said permit shall be issued upon payment of the required fee, and upon the filing of a declaration by the applicant that the relevant special and general conditions, if any, will be satisfied.
 - a. Accountant; appraiser; architect; attorney; bookkeeper; broker or agent, real estate, insurance, etc.; drafting service; engineer; stenographer; and telephone answering service.
 - b. Beauty shop, barbershop; dance studio; and music studio - subject to the special condition that the property upon which the occupation will be conducted is zoned R-4 or R-5.
 - c. Commission merchant; and mail order business; subject to the following special conditions:
 - (1) The home will be the mailing address and office only, the applicant will only take orders at the home and the orders will be filled by direct shipment from factory to the customer; and
 - (2) There is no storage of stock on the premises.
 - d. Contractor's office; janitorial service office; and landscape garden office - subject to the following special conditions:
 - (1) Employees will not report in person to the home for work assignments or to do work therein in conjunction with the occupation.
 - (2) No supplies or equipment will be stored on the premises.
 - e. Dressmaker; and tailor - subject to the following special conditions:

- (1) No manufacturing for stock in trade;
 - (2) No cleaning, dying, or pressing by mechanically operated equipment; and
 - (3) No nuisance producing activity will occur in conjunction with the home occupation.
 - f. Fine arts studio; and tutoring - subject to the following special conditions:
 - (1) Where works of art will be created as part of the home occupation, only individual works of art may be created; and
 - (2) That music, voice, and dancing studios or tutoring will not take place on the premises as part of this occupation.
 - g. Interior decorator offices; photo laboratory - subject to the special condition that the residence will not be used as a studio.
 - h. Tutoring of individuals.
4. Creation of Additional Staff Permits: The Planning Commission may by resolution authorize the Planning Director to issue home occupation permits for occupations not set out in this paragraph. Special conditions may be established for the issuance of permits for such occupations, provided however that said conditions may not give the Planning Director discretionary authority regarding the issuance of said permits.
5. Home Occupation Permits Issued by the City Planning Commission:
- a. For those Home Occupations not delegated to the Planning Director, the Planning Commission may, after holding a public hearing in the manner prescribed in Section 18 of this Ordinance, issue a Home Occupation Permit for any home occupation upon a determination that the public health, safety and general welfare would not be adversely affected by the issuance of such permit.
 - b. The Planning Commission may attach such conditions as it deems necessary to the issuance of such a permit to make it consistent with the purposes of this Section.
 - c. Notice of the hearing at which the issuance of the Home Occupation Permit is considered by the City Planning Commission shall be as follows:
 - (1) By posting on the property for a period of seven (7) days immediately prior to the date of the hearing.

(2) In writing to the person initiating the hearing.

6. Restrictions on Home Occupation Permits. Notwithstanding paragraphs 3, 4, and 5 of this subsection, all home occupation permits, whether issued by the City Planning Commission or the Planning Director, shall satisfy the following criteria, except that the City Planning Commission may waive "a" through "m" upon an affirmative determination, made at a public hearing, that the application involves a very unusual situation of hardship and that the public health, safety and general welfare will not be adversely affected thereby.
- a. A home occupation shall be limited to an office or business of a personal service nature only.
 - b. No more than one home occupation permit shall be granted per dwelling unit.
 - c. No more than one truck of no larger size than one-half ton shall be permitted in conjunction with any home occupation.
 - d. No home occupation permit shall be issued which involves food handling processing or packing.
 - e. No home occupation permit shall be issued for a kennel or auto repair shop.
 - f. There shall be no sign, nameplate, or any other form of advertising displayed on the premises in which a home occupation is conducted.
 - g. Employment shall be confined to the residents of the dwelling unit and shall not exceed two persons engaged therein.
 - h. There shall be no goods, samples, materials or objects sold, manufactured for stock in trade, or displayed on the premises in conjunction with any home occupation.
 - i. No home occupation shall occupy more than 10% of the total gross ground floor area of the dwelling unit.
 - j. No home occupation shall be conducted in a structure other than the main building on the property.
 - k. There shall be no addition, alteration or remodeling permitted in connection with any home occupation.
 - l. No portion of any dwelling shall be used for a home occupation which has direct access thereto other than through the main entrance to the dwelling unit.
 - m. No permit shall be issued for a home occupation which involves the repair, manufacture, processing or alteration of goods, materials, or objects.

- n. No nuisance producing activity shall be permitted as a home occupation.
 - o. No home occupation shall be permitted which creates noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which they are situated.
 - p. No home occupation shall be permitted which will create any electrical disturbance adversely affecting the operation of any equipment located in any other dwelling unit or on property not owned by the person conducting said home occupation.
 - q. No home occupation shall be permitted for the practice of the business or art of astrology or related practices which is subject to the licensing provisions of Chapter 46 of the Sacramento City Code. (Ord. no. 4223-4th Series, effective 6/14/79).
- B. TERM: A home occupation permit shall be valid only as to the occupation and residence for which it is issued. Said permit shall be valid until revoked, except that the permit shall expire automatically if the occupation for which the permit is issued is discontinued for a period of one year.
- C. ABATEMENT:
- 1. Following a public hearing, the Planning Commission may revoke a Home Occupation Permit upon a determination that the occupation has been and is conducted so as to create one or more of the following conditions:
 - a. A nuisance, or other undesirable condition interfering with the public health, safety or general welfare.
 - b. A violation of the provisions of this Ordinance or any other applicable law, ordinance, or violation of the conditions imposed upon the Home Occupation Permit.
 - 2. Any person, including the Planning Director, may initiate proceedings for the revocation of a home occupation permit in the following manner.
 - a. An application shall be filed with the Planning Director setting forth the grounds upon which he believes the permit should be revoked.
 - b. Except where the proceedings are initiated by the Planning Director, a fee of ten dollars (10.00) shall be paid with each application.
- D. APPEAL: Any person dissatisfied with any decision of the Planning Commission made pursuant to the provisions of this Section may appeal to the City Council in the following manner:

1. Notice of appeal must be filed with the Planning Director within ten (10) days following the date of said decision.
2. Within ten (10) days following the filing of said notice of appeal, the Planning Director shall transmit to the City Clerk all pertinent information and a statement of the basis for the Planning Commission's action.
3. All other procedures on appeal shall be governed by Section 18 of this Ordinance.

SECTION 12

NON-CONFORMING USE REGULATIONS

SECTION 12: NON-CONFORMING USE REGULATIONS

A. REGULATIONS ADOPTED: The following regulations pertaining to non-conforming uses are hereby adopted:

1. Lawful use may be continued: Any lawful use of land and/or building or structure existing or under construction at the time this Ordinance was adopted, may be continued although such use does not conform with the provisions of the zone in which it is located .
2. Not non-conforming due to area regulations: A building shall not be termed a non-conforming structure due to lack of compliance with required yard, court, lot area per dwelling unit, lot area, or lot coverage requirements.
3. Residential use exempt - conditions: The provisions of this Section relative to additions and enlargements, restoration of damaged buildings, and abandonment shall not apply to any residential use, provided however, this clause shall not be so interpreted to permit an increase in the number of dwelling units within any such residential building.
4. Maintenance permitted: A non-conforming building or structure shall be maintained, said maintenance to consist of repair work necessary to keep a building or structure in sound condition.
5. Additions and enlargements: No non-conforming use may be enlarged within the building it occupies, nor shall it be enlarged or increased to occupy a greater area of land than that occupied by such use at the time this Ordinance was adopted, nor shall any non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use.
6. Restoration - damaged buildings: A non-conforming building and/or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy to an extent less than 50% of its market value at the time of such calamity, may be restored and the occupancy or use of such building structure or part thereof which lawfully existed at the time of such partial destruction may be continued, provided such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds 50% of the market value of such building at the time of such calamity, no repairs or reconstruction shall be made unless every portion of such building and its use is made to conform to all regulations of this Ordinance for the zone in which it is located, provided further, that any restoration, repair or reconstruction of any building or structure under the provisions of this Section shall be in accordance with the requirements of the Sacramento Building Code.
7. Abandonment: Any non-conforming use of land and/or building or structure which becomes vacant and remains unoccupied for a continuous period of one year shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.

8. Change to another non-conforming use: No non-conforming use of land or building or structure may be changed to any other non-conforming use.
 9. Completion of buildings: Any building and structure for which a building permit has been granted prior to the adoption of this Ordinance and the construction of which has been started prior to the effective date of said Ordinance may be completed in accordance with plans on file in the office of the Building Inspector, and such building or structure shall be deemed to be a non-conforming building or structure within the meaning of this article, provided, however, that construction of such building or structure must be completed within a reasonable period of time.
 10. Change of zones: The foregoing provisions of this Section shall also apply to any non-conforming use in any zone hereafter changed to a more restrictive use or to zones hereafter established for areas not previously covered by the Zoning maps.
 11. Restoration - Demolished buildings: If any building wherein a non-conforming use is conducted or maintained is hereafter demolished or removed, or partially demolished or removed to the extent of more than 50 percent of the market value of the structure at the time of such partial demolition or partial removal, any subsequent use of the land or any building subsequently erected thereon shall be in accordance with the requirements of all regulations of this ordinance for the zone in which it is located.
 12. Changes to non-conforming use - Where net benefits result: Notwithstanding any other provisions of this Ordinance, the City Planning Commission, after holding a hearing, may authorize a similar or less restrictive use of a non-conforming building, structure or land or authorize an addition, enlargement or relocation on the premises upon which it exists of a non-conforming use, building or structure upon a determination that the benefit to the public health, safety or welfare exceeds any detriment inherent in such change.
 13. Hearing - procedure: The procedural and substantive requirements for any hearing to consider changes to a non-conforming use as provided in subparagraph 12 of this section shall be the same as those for a variance in Section 14 of this Ordinance. Both the test in subparagraph 12 of this section and the tests in Section 14-A of this ordinance must be satisfied before an application for a change to a non-conforming use may be granted.
- B. Adult Bookstores, Adult Cabarets, Adult Motion Picture Theaters, Adult Arcades and Adult Hotels-Motels. The following regulations shall apply to non-conforming adult bookstores, adult cabarets, adult motion picture theaters, adult arcades and adult hotels-motels, in addition to the requirements of subsection "A" of this section:

1. Non-conforming Uses Defined: All Adult Bookstores, Adult Cabarets, Adult Motion Picture Theaters, Adult Arcades and Adult Hotels-Motels legally established or in legal existence prior to the effective date of Ordinance No. 4114, Fourth Series, shall be deemed non-conforming and may continue to operate subject to the provisions of this section.
 2. No legally established adult bookstore, adult cabaret, adult motion picture theater, adult arcade and adult hotel-motel shall be deemed non-conforming solely by virtue of the subsequent creation or expansion of any use or zone designated in section 2-E-22(a)(1) or 2-E-22-(a)(2).
- C. Adult-Related Establishments: The following regulations shall apply to non-conforming adult-related establishments in addition to the requirements of subsection "A" of this section. The provisions of this subsection shall prevail in the event of conflict with the provisions of subsection "A":
1. Non-conforming Uses Defined: All adult-related establishments legally established or legally in existence prior to the effective date of this Section C and which do not comply with the provisions of Section 2-E-24(a)(1), 2-E-24(a)(2), and 2-E-24(a)(3) shall be deemed non-conforming and may continue to operate provided, however, that any adult-related establishment legally established or legally in existence will further be subject to the provisions of this Section C. No adult-related establishment shall be deemed to be legally established or legally in existence prior to the effective date of this section unless:
 - a. In the case of any massage parlor, a valid permit therefore pursuant to Article IV of Chapter 28 of the Sacramento City Code was in effect on the effective date of this Ordinance;
 - b. in the case of any adult-related establishment other than a massage parlor, a permit therefore has been applied for pursuant to City Code Section 28.42 on or before November 7, 1983, and such permit is subsequently issued.
 2. No adult-related establishment legally established or legally in existence shall be deemed non-conforming solely by virtue of the subsequent creation or expansion of any use or zone designated in Sections 2-E-22(a)(1), 2-E-22(a)(2), 2-E-24(a) or 2-E-24(b).
 3. Discontinuance of Non-conforming Activities: Within three (3) years from the effective date of this section, all adult-related establishments which do not conform to the provisions of Sections 2-E-24(a)(1), 2-E-24(a)(2) and 2-E-24(a)(3) shall be discontinued or brought into full conformity with this Ordinance.

A special permit shall be issued to permit the activity to be continued for a period of time exceeding three (3) years, but in no event exceeding five (5) years, if the Commission finds that the activity involves investment of money in lease-hold or improvements such that the longer period is the minimum necessary to prevent undue financial hardship by permitting amortization of such funds invested.

4. In determining the extent of investment involved in the activity, the Commission shall only consider leases and improvements directly related to the particular adult entertainment establishment and acquired or entered into prior to the effective date of Ordinance No. 83-034.
5. The Planning Commission in granting a special permit may impose reasonable conditions as may be necessary to carry out the intent and purpose of this Ordinance.
6. No existing lease for such a non-conforming use shall be renewed or extended, unless such lease is renewed or extended pursuant to an option agreement entered into prior to the effective date of Ordinance 83-034. Any new owner or operator of a leased adult-related establishment shall prove that he has received either an assignment or sublease from the previous tenant.
7. Any non-conforming use which has been unoccupied or out of business for sixty (60) days or more, shall be deemed abandoned and shall not be reestablished except by the granting of special permit in accordance with Section 2-E-24.
8. In the event two or more lawfully established adult-related establishments are rendered non-conforming solely because of their location within one thousand (1,000) feet of one another, the adult-related establishment or establishments last established shall be the establishments required to discontinue operations or bring such operations into conformity with this Ordinance.

(Ordinance No. 83-145, December 6, 1983)

SECTION 13

REZONING AND AMENDMENTS

SECTION 13: REZONINGS AND AMENDMENTS

A. REGULATIONS ADOPTED: The following regulations pertaining to rezonings and amendments to this Code are hereby adopted:

1. Rezoning - how initiated: A rezoning may be initiated by the Planning Commission, the City Council, or by the property owner's petition. (Ordinance No. 82-069)
2. Procedure - Planning Commission:
 - a. The procedural requirements for rezoning and amendments before the Planning Commission shall be governed by the provisions of Section 18 of this Ordinance.
 - b. Notice of the hearing before the Planning Commission shall be given in the following manner:
 - 1) The Planning Director shall post the property involved in the proceedings in a conspicuous place for a period of ten (10) days prior to the date of the hearing.
 - 2) Notice shall be published by the Planning Director in the official newspaper of the City at least ten (10) days prior to the date of the hearing.
 - 3) Written notice of the hearing shall be mailed by the Planning Director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed, and as checked in the manner specified in Section 18-B of this Ordinance.
 - a) All owners of property located within a radius of three hundred (300) feet from the property involved in the proceedings.
 - b) The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, public right of way, or other easement. Same ownership of property exists when the applicant holds any legal or equitable interest in the adjoining property.
 - c) Notwithstanding subparagraphs a) and b) above, notice need not be given to property owners outside a radius of five hundred (500) feet from that portion of the

property involved in the proceedings for which the use may be specifically determined by the proposed action.

- d) Notwithstanding subparagraph A-2-b of this section, whenever four (4) or more parcels of property on one or more contiguous City blocks or within one or more contiguous acres where there are no City blocks (comprehensive rezoning) are to be rezoned, notice shall be given by the Planning Director as follows:
 - 1) Publication in the official newspaper of the City at least ten (10) days prior to the date of the hearing, and
 - 2) By posting in at least four (4) conspicuous public places on each of the affected blocks or acres for a period of ten (10) days prior to the date of hearing.
 - e) The provisions of this section relating to notices and hearings on requests for rezoning before the Planning Commission shall not apply to emergency ordinances adopted by the City Council pursuant to Section 32(g)(2) of the City Charter. (Ordinance No. 81-083)
3. Procedures - City Council: Upon receipt of a recommendation on a rezoning from the Planning Commission, the City Council shall set the matter for hearing and give notice thereof by publication in the official newspaper of the City at least ten (10) days prior to said hearing. After completion of notice and public hearing, the City Council may approve, disapprove, or modify a rezoning by adoption of an Ordinance therefore. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the Planning Commission, notice, and hearing shall not apply to rezonings adopted by emergency Ordinance by the City Council pursuant to Section 32(g)(2) of the City Charter.(Ordinance No. 81-083)

Whenever a proposed development plan or a representation concerning development made by the applicant, or a stipulation concerning site plan review, is a material factor in the decision of the City Council to approve the rezoning of property, that rezoning shall be subject to and the Ordinance of rezoning shall so provide for, the following:

- a. The Ordinance shall contain a statement of reference to the proposed development plan or a statment of the representation made by the applicant which is the material factor to the action of rezoning.
- b. If an application for a building permit or other construction permit is filed for a development which is not in substantial conformity with the proposed development plan or representation

referred to in the Ordinance or rezoning, the matter shall be referred to the City Planning Commission for review and such action as it may deem warranted, including action to initiate the rezoning of the subject property back to its original zoning classification or to some other classification it may deem appropriate, and no building permit shall be issued pending these proceedings.

- *c. 1. In a rezoning proceeding where a proposed development plan is not provided by the applicant, it may be stipulated as a condition to the rezoning and in order to insure that future development will relate to characteristics of the site and the surrounding area, that no building permit or other construction permit shall be issued for any development of the property rezoned until there has first been review and approval of preliminary and final site plans by the Planning Commission. Application for review and approval by the Planning Commission of site plans shall be accomplished by a filing and investigation fee of \$225.00.
- *2. At least one public hearing shall be held for the review and approval of site plans pursuant to this paragraph. The procedural requirements for any such hearing shall be governed by the provisions of Section 18 of this Ordinance.
- *3. Notice of the hearing shall be given in the following manner:
 - a) The Planning Director shall post the property involved in the proceedings in a conspicuous place for a period of seven (7) days prior to the date of the hearing.
 - b) Written notice of the hearing shall be mailed by the Planning Director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed, and as checked in the manner specified in Section 18-B of this Ordinance:
 - 1) All owners of property located within a radius of one hundred (100) feet from the property involved in the proceedings.
 - 2) The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, public right of way, or other easement. Same ownership of property exists when the applicant holds any legal or equitable interest in the adjoining property.
 - 3) Notwithstanding subparagraphs 1) and 2) above, notice need not be given to property owners outside a radius of five hundred (500) feet from the property involved.

*4. Such review and approval shall be limited to the following:

- a) Considerations relating to site layout, the orientation and location of buildings, signs, other structures, open spaces, landscaping and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.
- b) Considerations relating to traffic safety and traffic congestion, including the effect of the site development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.
- c) Considerations necessary to insure that the proposed development is consistent with the General Plan and all applicable Specific Plans, including but not limited to the density of residential units.
- d) Considerations related to energy conservation, including, but not limited to, the presence and orientation of structures, vegetation and other objects, both on and off the site, to provide shading and protection from the wind on the lot and nearby sites; the presence of adequate structure orientation to maximize south wall solar access. Nothing contained in this subsection shall limit the application of other provisions of this section. (Ordinance No. 4453)
- e) Considerations relating to the availability of City services, including but not limited to water, sewer, drainage, police and fire; and whether such services are adequate based upon City standards. (Ordinance No. 84-027)

- 4. Withdrawal of petition: The Planning Commission or City Council may permit the withdrawal of a rezoning petition, provided such request is made in writing; further, any hearing for which public notice is given shall be held.
- 5. Renewal of petition: If a rezoning is denied, another petition for the same rezoning shall not be accepted by the City within a one-year period unless specific approval for such filing is given by the Planning Commission or the City Council.
- 6. Permits may not be issued: No building permit, license, or other permit shall be issued while a rezoning procedure or appeal therefrom is pending.

*Ord. No. 4283-Fourth Series (effective 12-27-79)

7. Fee.

- a. A property owner's petition shall be subject to and accompanied by a filing and investigation fee to be determined as follows:
 1. For rezoning of one acre of property or less the fee shall be \$477.
 2. For rezoning of more than one acre and not more than five acres, the fee shall be \$667.
 3. For rezoning of more than five acres, the fee shall be \$955.
- b. Any person filing a request for the Planning Commission or City Council to initiate rezoning shall be subject to a filing and investigation fee of 50% of the rezoning fee which would be applicable to such property as determined pursuant to paragraph (a) of this section.

8. Text Amendments - Initiation and Notices: Amendments to the text of this Ordinance may be initiated by the Planning Commission or City Council and shall be adopted by Ordinance in accordance with Section 32 of the City Charter. In either case, at least one public hearing shall be held before each body prior to adoption of the amendment. Notice of said hearing shall be given by at least one publication in the official newspaper of the City not less than 14 days prior to the initial hearing before each body. The provisions of this paragraph relating to notice and hearing shall not apply to emergency Ordinances adopted by the Council pursuant to Section 32(g)(2) of the City Charter. (Ordinance No. 81-083)

9. Repealed Ordinance No. 81-083.

*10. Prezoning of Areas Outside the Limits of the City of Sacramento: Any unincorporated territory or parcels contiguous to the City of Sacramento may be prezoned for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the City. The initiation of such prezoning and the procedures for such prezoning shall be the same procedures which govern the rezoning of property within the City limits. Upon the effective date of annexation of a parcel of property which has been prezoned pursuant to this subsection, a zoning designation adopted pursuant to this subsection shall become the official zoning designation on the zoning maps of the City.

B. An amendment to the General Plan, or any community or specific plan, of the City of Sacramento may be initiated by an application therefore submitted to the Planning Director.

1. Such application shall be accompanied by a filing and investigation fee of \$300 provided, however, that if such application is submitted in conjunction with an application for rezoning a special permit

*Ord. No. 3845-4th Series

or a schematic plan designation or amendment the application fee shall be \$150.

2. No fee shall be charged any public agency making application for such amendment.

*C. Dedications as Conditions of Approval of Rezoning.

1. Conditions of Rezoning: There may be imposed as a condition of rezoning any property a requirement that land be dedicated to the City in fee whenever the Council finds that:
 - a. The area proposed to be dedicated is to be used for a public purpose which will provide substantial benefits to the property in question; and
 - b. Dedication of such area will not prevent a reasonable use of the property; and
 - c. The dedication is in accordance with definite principles and standards set forth in an element of the General Plan or any specific plan; and
 - d. Improvement of the area to be dedicated will either be provided by applicant for rezoning or will be accomplished within a reasonable time after development has occurred in the vicinity of the property required to be dedicated.
2. Designation of Ordinance: Whenever a dedication of property has been required pursuant to this subsection as a condition of rezoning, the ordinance approving such rezoning shall state the purpose of the dedication, shall include a legal description of the portion of the property which is to be dedicated, and shall indicate the time and conditions applicable to making such dedication.
3. Timing of Dedication:
 - a. When a dedication is required as a condition of rezoning of property for which a tentative subdivision map is approved for the same development, the offer of dedication shall be made in connection with the approval of the final subdivision map at the same time and in the same manner as is provided for dedications required as conditions of approval of subdivision maps in accordance with Chapter 40 of the City Code.
 - b. When a dedication is required as a condition of rezoning for which a subdivision map is not required for the proposed development, the applicant, prior to the approval of the rezoning, shall make an irrevocable offer of dedication, conditions upon the approval of the rezoning and in a form approved by the City Attorney. Said offer shall be effective upon the effective date of the Ordinance rezoning the property.

*Ord. No. 4034-4th Series (Amended Ordinance 81-030, May 19, 1981)

4. Other Conditions:

- a. There may be imposed as a condition of rezoning any property any condition which the Council deems necessary to carry out the intent and purpose of this Ordinance or to protect the public health, safety, or welfare, and which is reasonably related to the requested rezoning.
- b. Conditions imposed by the Council on approval of a rezoning under this subsection 2 shall run with the land and shall not automatically be removed by a subsequent rezoning of the property. The conditions may be modified or removed only by the Planning Commission and the Council following the procedure contained in this Ordinance relating to rezoning.

SECTION 14

VARIANCES

SECTION 14: VARIANCES

A. VARIANCE - QUALIFICATIONS: A Variance is a waiver or modification of some requirement contained in the Zoning Ordinance. The Ordinance provides for variances because the strict application of a given set of requirements will, when applied to the development of some 60,000 separate parcels of land in the City, occasionally result in a practical difficulty or unnecessary hardship for some owner. There are certain ground rules, however, which govern the consideration of any variance request.

1. No special privilege: A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.
2. Use Variance prohibited: The consideration of "use variances" is specifically prohibited. These are variances which request approval to locate a use in a zone from which it is prohibited by Ordinance.
3. Disservice not permitted: A variance must not be injurious to public welfare, nor to property in the vicinity of the applicant.
4. Not adverse to General Plan: A variance must be in harmony with the general purpose and intent of the Zoning Ordinance. It must not adversely affect the General Plan or specific plans of the City, or the Open Space Zoning regulations.
5. Subject to conditions: A variance, if approved, must be made subject to such conditions as are necessary to accomplish the purpose of these rules.

*B. VARIANCE POWERS - PLANNING DIRECTOR:

1. The Planning Director shall have authority to vary the setback, lot size, lot coverage, or height regulation up to 50% of the original requirement. No public hearing shall be required. The Director may, at his discretion, schedule for hearing by the Planning Commission any application for a variance under his or her authority.
2. The application for a Planning Director's variance shall be accompanied by proof that the applicant has given notice to the owners of all the property abutting the property subject to the variance application. The notice shall describe the scope and nature of the requested variance.
3. Upon approval of a variance application by the Planning Director, the Planning Director shall provide written notice by mail to the owners of all the property abutting the subject property of the variance approval and of the rights of aggrieved persons to appeal.

*Ord. 4283-Fourth Series (effective 12-27-79)

D. HEARING - PROCEDURE:

1. At least one public hearing shall be held on each application to the Planning Commission for a variance.
2. The procedural requirements for any hearing required by the provisions of this section shall be governed by the provisions of Section 18 of this ordinance.
3. Notice of the hearing shall be given in the following manner:
 - a) The Planning Director shall post the property involved in the proceedings in a conspicuous place for a period of seven (7) days prior to the date of the hearing.
 - b) Written notice of the hearing shall be mailed by the Planning Director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed, and as checked in the manner specified in Section 18-B of this ordinance:
 - 1) All owners of property located within a radius of one hundred (100) feet from the property involved in the proceedings.
 - 2) The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, public right of way, or other easement. Same ownership of property exists when the applicant holds any legal or equitable interest in the adjoining property.
 - 3) Notwithstanding subparagraphs 1) and 2) above, notice need not be given to property owners outside a radius of five hundred (500) feet from that portion of the property involved in the proceeding for which the use may be specifically determined by the proposed action.

*E. **VARLANCE TERM:** Any variance involving an action which requires a building permit shall expire at the end of one year unless a building permit is obtained within the variance term. A variance term may be extended for one year periods upon application in writing prior to expiration. An application for the extension of a variance shall require a planning and investigation fee of \$60.

F. **PERMITS MAY NOT BE ISSUED:** No building permit involving a Variance granted by the Planning Commission may be issued until the ten-day appeal period has expired. No building permit, license, or other permit shall be issued while a variance hearing or appeal therefrom is pending.

* G. FEES. An application for a variance to be reviewed by the Planning Director shall require a filing and investigation fee of \$90. An application for variance to be reviewed by the Planning Commission shall be subject to an accompanied by a filing and investigation fee of \$180.

H. SPECIAL CONDITIONS MAY BE APPLIED: In granting any variance, the Planning Director or Planning Commission may impose such conditions as deemed necessary to carry out the intent and purpose of the Ordinance.

I. RESUBMITTAL OF APPLICATION: If an application for a variance has been denied wholly or in part by the Planning Commission, no new application for substantially the same variance shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the Planning Commission prior to expiration of the one year period. (Ordinance No. 81-008, February 10, 1981)

SECTION 15

SPECIAL PERMITS

SECTION 15: SPECIAL PERMITS

- A. **SPECIAL PERMITS - QUALIFICATIONS:** A Special Permit is a zoning instrument used primarily to review the location, site development, or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A Special Permit is granted at the discretion of the Planning Commission and is not the automatic right of any applicant. In considering an application for a Special Permit, the following guidelines shall be observed:
1. Sound principles of land use: A Special Permit shall be granted upon sound principles of land use.
 2. Not injurious: A Special Permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.
 3. Must relate to a plan: A Special Permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.
- B. **AUTHORITY - PLANNING COMMISSION:** A Special Permit may be granted at the discretion of the Planning Commission, with such conditions as may be necessary to carry out the intent and purpose of this Ordinance or to protect the public health, safety or welfare.
- C. **APPLICATION - NOTICE - HEARING:** An application for a Special Permit to be considered by the Planning Commission shall be subject to the following requirements:
1. Plans: The applicant shall submit no less than four sets of plans for the proposed use. Such plans shall be in sufficient detail to allow the Planning Commission to determine the exact nature and extent of the use. Such plans shall in all cases include a site plan clearly indicating the area of the subject property that will be utilized for the proposed use and the nature of the use in each portion of said area.
 - *2. Fee: The applicant shall pay a filing and investigation fee at the time the application is filed to be determined as follows:
 - a) For special permits for property containing one acre or less, the fee shall be \$253.
 - b) For property containing more than one acre but not more than five acres, the fee shall be \$380.
 - c) For property containing more than five acres, the fee shall be \$570.

3. Hearing:

- a. At least one public hearing shall be held on an application to the Planning Commission for a Special Permit.
- b. The procedural requirements for any hearing and the contents of the notice required by the provisions of this section shall be governed by the provisions of Section 18 of this Ordinance.
- c. Notice of the hearing shall be given in the following manner:
 - 1) The Planning Director shall post notice of the hearing on the property involved in the proceedings in a conspicuous place for a period of seven (7) days prior to the date of the hearing.
 - 2) Written notice of the hearing shall be mailed by the Planning Director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence of the date application is filed, and as checked in the manner specified in Section 18-B of this Ordinance:
 - a) All owners of property located within a radius of three hundred (300) feet from the property involved in the proceedings.
 - b) The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, right of way, or other easement.
 - c) Notwithstanding Subparagraphs a) and b) above, notice need not be given to property owners outside a radius of five hundred (500) feet from that portion of the property involved.
- d. Adult-related establishments. Notwithstanding the provisions of subparagraphs a), b), and c) above, in the case of an application for a special permit for an adult-related establishment under the provisions of Section 2-E-24(a) or 2-E-24(b), notice shall be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings. (Ordinance No. 83-145, December 6, 1983)

4. Resubmittal of application: If an application for a Special Permit has been denied wholly or in part by the Planning Commission, no new application for substantially the same project or use at the same location shall be resubmitted for a period of one year from the effective date of the final denial of such application, unless approval to file, prior to expiration of the one year period, has been granted by the Planning Commission.

D. TIME LIMITS IMPOSED ON SPECIAL PERMITS:

1. No time limit unless stated in permit: Special Permits, once utilized, are of indefinite duration unless an expiration date has been specifically stated by the Planning Commission as a condition of the permit as provided in subparagraph 2 or 3 of this subsection. Once established, such permits may only be modified or revoked as provided in subsection F.
2. Temporary permits: Where application is made for a use which is temporary in nature, the Planning Commission may condition the Special Permit to expire automatically a stated period of time after the issuances of the permit.
3. Time Restricted Permits: The Planning Commission may condition approval of a special permit for a use which is not temporary in nature by imposing a time restriction of not less than one year. The Commission may condition the permit to either expire automatically or to be renewable after the stated time period has lapsed. In order to impose such time restrictions as a condition of permit approval, one or more of the following findings must be made.
 - a. The proposed use is compatible with existing developments but may become incompatible once anticipated development or redevelopment of the area occurs.
 - b. The proposed use has the potential to create adverse environmental impacts to surrounding land uses and it is necessary to evaluate whether such impacts have occurred once the use has been in operation.
 - c. It is necessary to evaluate whether the proposed use has complied with the conditions imposed upon permit approval because such conditions are essential for mitigating the impacts generated by the use. (Amended Ordinance 83-074, July 5, 1983)
4. Expiration for failure to establish use:
 - a. A use for which a Special Permit is granted must be established within two years after such permit is issued. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void.
 - b. A Special Permit use which requires a building permit shall be deemed established when such building permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.
 - c. If the Planning Director determines that the use has not been commenced as required in subparagraph a, he shall notify the owner of the property for which the Special Permit was granted that the Special Permit has expired. The owner may appeal the determination of the Planning Director in the manner provided in section 18 of this Ordinance.

5. Exception for phased projects: Notwithstanding the requirements of subparagraph 4 of this subsection, where the nature of the proposed use or plans for its development are such that the commencement of construction of facilities connected therewith is expected, in whole or in part, to be delayed in excess of two years, the Planning Commission may provide that the Special Permit shall remain in full force and effect if specific steps in the completion of the phased project are completed within specific time limits. Said steps may be, but are not limited to, the securing of specific building permits or the construction or establishment of specific portions of the permitted use.
6. Extensions of time limits: Upon a show of good cause by the applicant, the Planning Commission may grant an extension of time not to exceed one year in instances arising under subparagraphs 4 or 5 of this subsection. A public hearing shall not be required, but may, in the discretion of the Planning Commission, be held prior to acting on an application for time extension. A request for an extension of time shall be subject to a filing and investigation fee of \$125. (SEE ORD. 4096-4th Series, Sect. 3 - Effective 7/29/78).
7. Abandonment: Any Special Permit, the exercise of which is voluntarily interrupted for a period in excess of one year, shall be deemed automatically revoked.
8. Notice of expiration: When a Special Permit will expire under subparagraph 2 or 3 of this subsection the Planning Director shall provide the owner and occupant, if other than the owner of the property for which the Special Permit has been granted, with notice of said expiration 15 days prior thereto. Failure on the part of the Planning Director to provide such notice shall not prevent the expiration of the Special Permit.

E. DEVIATION - PRIOR APPROVAL REQUIREMENTS. No deviation from a project for which a Special Permit is granted may be made where such deviation is from an aspect of the project submitted to the Planning Commission and considered by it in granting the Special Permit unless: (1) prior approval for the deviation is granted by the Planning Director as provided in this subsection; or (2) a modification to the Special Permit is approved by the Planning Commission as provided in subsection F of this section.

- *1. Approval by Planning Director: The Planning Director may approve changes to the proposed project if such do not amount to substantial deviations from the plans submitted to the Planning Commission. A "substantial deviation" is one that shall result in material change in the nature of the project when all the circumstances surrounding the issuance of this special permit are considered. An application for a minor deviation subject to approval by the Planning Director shall be subject to a filing and investigation fee of \$50.

*Ord. No. 4096-4th Series (Eff. 7/29/78)

2. Determination of substantiality by Planning Commission: The Planning Director may, at his discretion, request a determination by the Planning Commission as to whether a proposed change is a substantial deviation. If the Planning Commission determines that the change is substantial, a public hearing shall be set as provided in subsection F-2 for the purpose of considering a modification to the permit.
3. Mandatory finding of substantial deviation: The Planning Director shall find the following changes to be substantial deviations. The list is not intended to be inclusive and the fact that a particular deviation is not included on this list shall in no way limit the authority of the Planning Director to, in his discretion, determine that a change is a substantial deviation.
 - a. Any major change in the pattern or volume of traffic flow either on or off any property covered by the Special Permit.
 - b. Any change in the nature of the use.
 - c. Any increase in height of a structure which exceeds ten percent of the height of such structure as approved by the Planning Commission or which exceeds one story, whichever is less.
 - d. Any increase in gross floor area of a building which exceeds ten percent of the gross floor area approved by the Planning Commission.
 - e. Any increase in the density of dwelling units per acre.
 - f. Any material changes in the orientation or location of structures on the parcel.

F. MODIFICATIONS OR REVOCATION OF A SPECIAL PERMIT: A Special Permit may be modified or revoked only under the following circumstances:

1. Modification at request of property owner: The owner of property which is the subject of a Special Permit may apply for a modification to said permit in the manner prescribed by subsection C of this section for the application for a Special Permit.

In considering a modification to an existing Special Permit the Planning Commission shall apply the standards set forth in subsection A of this section for the issuance of a Special Permit.

When granting a modification to a Special Permit, the Planning Commission may impose such additional conditions as may be required to mitigate any deleterious affect of the modification.

2. Planning Director may set hearing on revocation or modification of permit: When in the discretion of the Planning Director a use permitted by a Special Permit is being conducted in a manner

detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed by the Planning Commission on the use, or if conditions specified in the permit as limiting the duration of the permit have occurred (other than the passage of time as provided in subsection D-3), the Planning Director shall set a hearing before the Planning Commission to consider revocation or modification of the Special Permit. Notice of any hearing so set shall be given in the manner prescribed by subparagraph C-3-c of this section and in addition thereto notice shall be given to the owner of the property upon which the use is conducted, and to the person in possession of said property if other than the owner, which shall include a specific statement of the conditions which are deemed to constitute a detriment to the public health, safety or welfare of which constitutes a public nuisance, or which are in violation of conditions imposed by the Planning Commission on the use.

3. Planning Commission may revoke or modify special permit: Upon a determination by the Planning Commission that the use is being conducted in a manner detrimental to the public health, safety or welfare, or in a manner so as to constitute a public nuisance, or in violation of any condition imposed by the Planning Commission, the Planning Commission may revoke the Special Permit. If the Planning Commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the Special Permit, it may make such modification in lieu of revocation.
4. Appeal: In the case of a revocation or modification of a Special Permit, an appeal may be taken in accordance with Section 18 of this Ordinance within ten days after the decision of the Planning Commission to revoke or modify said permit.

*G. MAJOR PROJECTS IN THE OLD CITY: Notwithstanding any other provisions of this section to the contrary, the following procedures shall be applicable to the granting of all special permits for any project for which a special permit is required by Section S3-C-10:

1. A copy of the staff report provided to the Planning Commission shall be provided to members of the City Council.
2. Within five days after a Planning Commission decision to grant a special permit, the Planning Director shall provide a summary of the Planning Commission's decision to the City Council.
3. At its next regularly scheduled meeting, after receipt of the Planning Director's report pursuant to paragraph 2 of this subsection, the City Council, without holding a public hearing, shall review the action of the Planning Commission. Upon a determination that the application involves significant policy issues, the City

*Ordinance No. 4146-4th Series (Eff. 11/16/78)

Council may set aside the Planning Commission's decision. If such action is taken by the City Council, the decision of the Planning Commission shall have no force and effect and the application shall be considered by the City Council at a public hearing to be noticed and held in accordance with all requirements of this section which govern the Planning Commission's consideration of special permits.

4. The provisions of paragraphs 2 and 3 of this subsection shall not be applicable to special permits which were denied by the Planning Commission.
5. The provisions of paragraph 3 of this subsection shall not be applicable to any special permit application for which an appeal of the Planning Commission decision has been filed in accordance with Section 18 of this Ordinance.

*H. PLANNING DIRECTOR'S SPECIAL PERMIT:

1. Application and Hearing: The Planning Director shall decide all Planning Director Special Permit applications unless the application is submitted as part of a development which requires approval of the Commission or Council. No public hearing shall be required. The director may, at his or her discretion, schedule for hearing by the Commission any application for a Planning Director's Special Permit.
2. Notice: The application for a Planning Director's Special Permit shall be accompanied by proof that the applicant has given notice to the owners of all property which adjoins the property in the same ownership as that involved in the proceedings or which is separated only by a street, alley, public right-of-way or other easement, public use or recreational use. Same ownership exists when any legal or equitable interest is held in such adjoining property. The notice shall describe the scope and nature of the requested special permit. After the decision on the Planning Director's Special Permit, the Director shall provide written notice by mail to the owners of all property adjoining the subject property of the decision and of their right to appeal the decision to the Planning Commission within ten days of the notice. No fee shall be charged for an appeal to the Planning Commission by any aggrieved person other than the applicant.
3. Decision, Findings: The Planning Director may grant a Planning Director's Special Permit only when (s)he finds, based on evidence presented in the application:
 - a) That the proposed use will be consistent with the objectives of the general or specific plan for the area in which it is to be located;

- b) That the proposed use will be located, designed, constructed, operated and maintained so as to be compatible with the existing character of the general vicinity and shall not change the essential character of such area;
 - c) That where the proposed use may be potentially hazardous or disturbing to existing or planned neighboring uses, that it is justified by the common public interest as a benefit to the community as a whole; and
 - d) That the proposed use will not be detrimental to the public health, safety and welfare.
- 4. Conditions: In granting a Planning Director's Special Permit, the Director may attach thereto such conditions as (s)he may deem necessary or convenient to implement the guidelines of this Section as set forth in Section 15-A.
 - 5. Modification, Deviation: Upon application by the holder of a Planning Director's Special Permit, the Director may approve modifications or changes to the original proposal or schedule the item for hearing by the Commission. The Director shall not grant a proposed modification or deviation unless (s)he finds that all of the guidelines set forth under Section 15-A are satisfied. Notice of the proposed modification or deviation shall be provided as set forth under Section 15-H-2.
 - 6. Term: The time limit provisions set forth under Section 15-D shall also apply to Planning Director's Special Permits with the provision that the Director also has the authority to limit or extend the term of the Planning Director's Special Permit.
 - 7. Revocation: Upon a determination by the Planning Director that the use is being conducted in a manner detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed upon such use as stated in the approved permit, the Director may revoke such permit. If the Director determines that the detrimental aspects of the use which exist may be alleviated through a modification of the permit approval terms, (s)he may make such modification in lieu of permit revocation. Notice of the intent to revoke or modify the permit shall be provided as set forth under Section 15-H-2.

SECTION 16

DESIGN REVIEW DISTRICTS

SECTION 16: DEISGN REVIEW DISTRICTS

Articles 1 through 4 - Reserved

Article 5 - Design Review Districts

PARAGRAPH 5.01. PURPOSE

Design review districts, hereinafter districts, established under the provisions of this article are for the protection of the value, appearance, and use of public and private property; the maintenance of a high level of community development and the achievement of orderly, harmonious and integrated development in specific areas within the City of Sacramento.

PARAGRAPH 5.02. CENTRAL CITY DISTRICT ESTABLISHED

There is hereby established the "Central City" design review district which includes within its boundaries all properties within the "Central City" of Sacramento as defined in Section 13.101(g) of the Sacramento City Code.

PARAGRAPH 5.03. FUTURE ESTABLISHMENT OF DISTRICTS

The City Council shall have the authority to request the Planning Commission to initiate proceedings to establish additional districts, or the Planning Commission, on its own motion, may initiate such proceedings. The procedure to be followed by the Commission for establishment shall be as follows:

- A. It shall prepare a map designating the boundaries of the proposed district, and
- B. It shall hold a public hearing on the proposed district. The procedures governing such public hearing and notice thereof shall be those specified in paragraphs 5.07 and 5.08 of this article.
- C. It shall recommend to the City Council the approval of the proposed district, or
- D. It shall recommend conditions approval of the proposed district, or
- E. It shall recommend disapproval of the establishment of the proposed district. Except where the proceeding was initiated by the Council, the recommendation of the disapproval of the proposed district shall terminate the proceedings.

PARAGRAPH 5.04. SAME - NECESSITY OF RESOLUTION

The recommendation approving, or conditionally approving, any proposed district shall be by resolution of the Planning Commission.

PARAGRAPH 5.05. TRANSMITTED TO COUNCIL

The Planning Commission shall transmit to the City Council its recommendation concerning the proposed district unless the proceedings were initiated and subsequently terminated by action of the Planning Commission.

PARAGRAPH 5.06. ACTION BY THE CITY COUNCIL

Upon receipt of a copy of recommendations of the Planning Commission concerning the proposed district, the City Council may, by Ordinance, adopt the Plan designating the boundaries of the district. Before adoption, however, the City Council shall hold a public hearing. The procedures governing such public hearing and notice thereof shall be those specified in paragraphs 5.07 and 5.08 of this Article.

PARAGRAPH 5.07. HEARINGS

- A. Whenever the Planning Commission or the City Council is required to hold a public hearing with regard to the establishment of any district pursuant to the authority of this Article, the Planning Director, or in the event that such hearings is to be held by the City Council, the City Clerk shall schedule such hearing and provide notice at least 10 days prior to the date of the hearing by at least one publication thereof in the official newspaper of the City of Sacramento.
- B. In addition to the provisions enumerated in subparagraph (1) of this paragraph, the City Clerk shall also provide written notice to those persons requesting in writing such notice, and to those persons who appear and identify themselves for the record at any prior public hearing held by the Planning Commission on the proposed district, or as the same may thereafter have been modified. Such additional notice shall be given at least 10 days prior to the date set for the hearing.

PARAGRAPH 5.08. NOTICE - CONTENT

Notice of a hearing shall include:

- A. The time and place of the hearing.
- B. The boundaries of the specific property involved in the proceedings.
- C. A general description of the matter to be considered.
- D. The action that may be taken.
- E. Appeals that may be taken therefrom.
- F. Whether or not the matter must subsequently be heard by another body.
- G. A statement that any person may appear and be heard.

- H. A statement that those persons who appear and identify themselves at the hearing, or who make a written request to the Planning Director or the City Clerk, shall be notified of any further proceedings on the matter.

PARAGRAPH 5.09. SPECIFIED PLANS - FORMULATION

The Planning Commission shall prepare a Design Review District Plan. Such plans shall be consistent with the General Plan, applicable Community Plans and the intent of this Article.

PARAGRAPH 5.10. SAME - ADOPTION

The Design Review District Plan shall be adopted in accordance with the procedures prescribed in Section 56.503 of Chapter 53 of the Sacramento City Code.

PARAGRAPH 5.11. SAME - CONTENTS

The Design Review District Plan adopted in accordance with the provisions of this Article shall contain:

- A. A statement of the goals for architectural review within each Design Review District.
- B. A representation of existing land use within each Design Review District.
- C. A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed building or structure or alteration thereof for each Design Review District.
- D. Any additional material as may, in the judgment of the Planning Commission, be required for the systematic execution of the purposes enumerated in paragraph 5.01 of this Article.

PARAGRAPH 5.12. REVIEW BY DESIGN REVIEW AND PRESERVATION BOARD

Except as to those exemptions provided in paragraph 11.08 of Article 11, no Building Permit for any new structure or building, or for the remodeling or alteration of the exterior of any structure or building within any district shall be issued unless and until reviewed and approved or conditionally approved by the Design Review and Preservation Board in accordance with the procedures enumerated in Article 11.

PARAGRAPH 5.13. PROHIBITION

No person shall build or construct any structure or building requiring any permit, or remodel the exterior of any existing structure or building

requiring a permit within any district unless and until approval or conditional approval thereof has been given by the Design Review and Preservation Board pursuant to the procedure enumerated in Article 11.

ARTICLE II. DESIGN REVIEW PRESERVATION BOARD

PARAGRAPH 11.01. PURPOSE

The City Council hereby finds and declares that a disregard for the integration of design with the general appearance, scale, capacity, use and character of certain neighborhoods, districts, and environments within the City of Sacramento adversely affects the health, safety, welfare and economy of the residents of the City of Sacramento in the following manner:

- A. The desirability of adjacent and surrounding properties for users for which they are zoned is adversely affected.
- B. The benefits of occupancy of other property in the vicinity are impaired.
- C. Property values within the vicinity do not retain their stability.
- D. The most appropriate development of other properties within the vicinity is impaired.
- E. The maintenance or improvement, or both, of surrounding properties is discouraged with the result that these properties degenerate and there is an accompanying deterioration of conditions which affect the health, safety, comfort, and general welfare of the inhabitants of the area and the inhabitants of the City at large.
- F. The proper relationship between the taxable value of real property in the vicinity and the cost of municipal services to these properties are destroyed.
- G. The unsightliness which exists causes a decrease in the value of surrounding properties.

The City Council further declares that the City of Sacramento is the Capital City for the State of California, that as the Capital City, Sacramento should reflect the values, beauty and heritage of the entire State to the rest of the State that the physical appearance, quality of design and interrelationship land development should epitomize these values and should serve as a valuable asset and benefit for the citizenry.

PARAGRAPH 11.02. DESIGN REVIEW AND PRESERVATION BOARD

(Amended Ordinance 81-094, October 6, 1981)

The Design Review and Preservation Board, created and composed pursuant to Chapter 32 of the Sacramento City Code, shall exercise the review authority set forth in this Article.

The Board shall have nine members, appointed by the Mayor subject to the approval of the City Council, as follows:

- A. One member who is a licensed landscape architect.
- B. One member who is a licensed architect.
- C. One member who is a licensed structural engineer.
- D. One member who is active in property development within the Central City.
- E. One member who is knowledgeable in local history, architecture and cultural development, the list of applicants to be reviewed by the City-County Museum and History Commission.
- F. One member who is qualified by reason of training or experience in design.
- G. One member who is knowledgeable in architectural history.
- H. Two at large members; if none of the above members is a resident within the Central City, then one of the at large members shall be a Central City resident.

The terms of office, procedure for the removal of members and for the filing of vacancies, and the compensation of members of the Board shall be as set forth in Chapter 32 of the Sacramento City Code.

PARAGRAPH 11.03. REPEALED 81-094

PARAGRAPH 11.04. REPEALED 81-094

PARAGRAPH 11.05. REPEALED 81-094

PARAGRAPH 11.06. SAME - RULES AND PROCEDURES

The rules of procedure adopted pursuant to Section 32.207 of the Sacramento City Code shall govern the Board in the exercise of its powers under this Article, provided that the Board may adopt additional rules or procedure as it deems necessary to facilitate the discharge of its duties under this Article. The Board shall act by a majority of its members present. (Ordinance No. 81-094)

PARAGRAPH 11.07. AUTHORITY TO REVIEW

Prior to issuance of any permit or any entitlement, for which review is hereinafter required, the Board shall review and approve or conditionally approve the architectural plans and renderings for the following:

- A. Any proposed building or structure or modification of any existing building or structure within the boundaries of a design review district established pursuant to Article 5.
- B. Any proposed use requiring a Special Permit, where the Planning Commission determines that architectural review is a reasonable and necessary condition for the issuance of said Special Permit.
- C. Any proposed use requiring architectural review under the provisions of any section of this Ordinance.
- D. Any proposed use within any design review corridor as may hereafter be established.

PARAGRAPH 11.08. EXEMPTIONS

(Ordinance No. 3754, Fourth Series, October 12, 1976)

Notwithstanding the provisions of Paragraph 11.07 to the contrary, required permits shall not be subject to prior approval by the Board for the following:

- A. Single-family or two-family residences in a residential zone, appurtenances and accessory improvements and additions and repairs thereto, except where said single-family or two-family residences and appurtenances and accessories thereto are located within any planned unit development.
- B. Additions or repairs to the exterior of any existing buildings or structures or improvement excluding advertising structures if the value of any exterior additions and repairs to such improvement does not exceed \$15,000 in any 12 month period however, if in Planning Director's discretion the proposed addition or repair is a substantial modification of the existing building, structure or improvement, then he shall forward the permit application to the Board for review pursuant to this Article.
- C. Modifications, alterations, repairs to the interior of any existing improvement.
- D. Modifications, alterations, and repairs to any existing improvement where required by law.

PARAGRAPH 11.09. IMPROVEMENT - DEFINITION

The term "improvement" as used in this Article shall be liberally interpreted, and shall include the construction, alteration and repair of all buildings, structures, facilities, accessory buildings, and appurtenances thereto.

PARAGRAPH 11.10. PROCEDURES - APPLICATIONS FOR REVIEW - PLANS

Any person proposing to construct or locate any building, structure, improvement or use subject to architectural review under the provisions of

this Article or any other Article shall, prior to filing for a Building Permit or entitlement of use, file an application for architectural review with the Design Review and Preservation Director. Such application shall be in the form as required by the Design Review and Preservation Director, and shall include the following where applicable:

A. Site Plan

1. Location of existing and proposed structures, including signs.
2. Location of existing trees or natural attributes.
3. Location of off-street parking and loading facilities.
4. Location of adjacent public right-of-way and private easements for ingress and egress if any.
5. Location of points of entry and exits for vehicles and internal circulation patterns.
6. Location of walls and fences and the indication of their height and material of construction.
7. Exterior lighting standards and devices.
8. Grading and slopes where they affect the relationship of the buildings.

B. Two (2) copies of architectural drawings, including:

1. Plans to scale.
2. Four (4) elevations to include all sides of developments.
3. Roof details indicating the location and size of mechanical equipment.

C. Drawings indicating the location, size, color, shape and type of illumination of each proposed sign.

D. Preliminary landscaping plan.

E. Site photographs.

F. Color, materials, and texture palette.

G. Other information which is pertinent and which the Board may, by general policy, require all applicants to furnish.

H. Proof that the applicant has given notice of the request for architectural review to the owners of all the property abutting the property subject to the application. The notice shall describe the scope and nature of the architectural review and shall state the date and time of the hearing, if known, or that any person interested in

attending the hearing on the application should contact the City Planning Department for information. (Ordinance No. 4283, Fourth Series Effective December 27, 1979)

PARAGRAPH 11.11. RESERVED

PARAGRAPH 11.12. SAME - NOTICE - HEARINGS
(Ordinance No. 4283, Fourth Series Effective December 27, 1979)

Hearings shall be conducted for the consideration of applications for architectural review. Notice of hearing shall be given to the applicant for architectural review either at the time an application is filed or by registered mail. The Planning Director shall post notice of the hearing on the property involved in the architectural review in a conspicuous place for a period of seven (7) days prior to the date of the hearing.

PARAGRAPH 11.13. SAME - DECISION AND NOTIFICATION
(Ordinance No. 4283, Fourth Series Effective December 12, 1979)

After consideration of the architectural plans at said hearing, the Board shall issue its written determination setting forth its approval, conditional approval, or its disapproval of the plans, and shall then transmit or cause to be transmitted to the applicant written notice of its decision. The Board shall provide written notice by mail to the owners of all the property abutting the subject property of the Board's determination and of the rights of aggrieved persons to appeal.

PARAGRAPH 11.14. FINAL PLAN AND CERTIFICATION
(Amended Ordinance No. 81-094, October 6, 1981)

- A. When the Board approves the architectural plan and the applicant has been informed and has accepted the conditions of approval which may be imposed by the Board, the applicant shall file final working drawings and a landscaping plan.
- B. The Design Review and Preservation Director, upon receipt of said drawings and plans, shall certify that the final plans submitted under this paragraph are in accord with the architectural plans as approved by the Board. After such certification any permits or entitlements may thereafter be issued in accordance with the provisions of the Sacramento City Code.

PARAGRAPH 11.15. STANDARDS AND CRITERIA FOR EVALUATION

The Board shall evaluate each application for architectural review in accordance with the standards and criteria listed herein, the findings and declaration of purpose contained in Paragraph 11.01 of this Article, and any

applicable land use plans. The Board shall also evaluate each application for review where the subject property is within any design review district in accordance with the design review district plan. These standards are intended to provide a frame of reference for the applicant as well as a method of review for the Board. These standards and criteria shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation. The specifications of one or more particular architectural styles is not included in these standards nor is it intended that these standards dictate a particular theme, or motif of design.

- A. Review of Landscape: The landscaping shall be developed with due regard for the aesthetic qualities of the natural terrain and landscape by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscaped areas shall not be limited to providing open space but shall be utilized for the purpose of separating or screening service or storage areas from the street and adjoining building sites breaking large expanses (sic) of paved areas, separating or screening parking lots from the streets and adjoining sites and separating building areas from paved areas.
- B. Relation of Proposed Buildings to Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
- C. Drives, Parking and Circulation: With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, consideration shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- D. Utility Service: Electric and telephone lines may be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
- E. Advertising Features: The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. The size, height, and location shall not inhibit the view of adjacent building or streets. The design, color and texture shall be coordinated with the building on the site to which it is advertising. All signs shall conform to the regulations for any redevelopment area or special sign district in which such signs are located.

- F. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- G. Lighting: Review of all lighting on the exterior of the building including free-standing pole signs and lights shall be to insure that they are so arranged or shielded to prevent glare or reflection onto adjacent properties or public rights-of-way.

PARAGRAPH 11.16. TERM - EXTENSION AND MODIFICATION

- A. Approval for any project subject to the provisions of this Article shall be deemed automatically revoked unless required permits have been issued within 2 years of the date of such approval. Prior to such expiration, however, the Board has the authority to grant an extension of time upon written request of the applicant or his successor in interest.
- B. Upon written request of the applicant or his successor in interest, modifications in the approval plan may be permitted by the Board if it determines that said modifications are consistent with the provisions of this Article.

PARAGRAPH 11.17. APPEAL

(Amended Ordinance No. 81-094, October 6, 1981)

(Ordinance No. 4096, Fourth Series, Effective July 29, 1978)

Any party aggrieved by any action of the Board under this Article may appeal to the Planning Commission within 5 days after notice of the decision is given. Such appeal is taken by filing a Notice of Appeal with the Design Review and Preservation Director. Upon the filing of a Notice of Appeal, the Design Review and Preservation Director shall within 10 days transmit to the Secretary of the Commission all papers and documents on file with the Design Review and Preservation Director relating to the appeal. The Notice of Appeal shall include and be accompanied by a fee, set by resolution of the City Council, to cover the costs of processing the appeal.

PARAGRAPH 11.18. PROHIBITION

(Amended Ordinance No. 81-094, October 6, 1981)

No Building Permit, or other approval or entitlement shall be issued or given by the City or any department or employee thereof with respect to any improvement or use subject to architectural review until the design of the improvement or use has been approved as provided in this Article. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to architectural review hereunder unless, and

until, the Design Review and Preservation Director has certified that the improvement has been completed in accordance with the design approved pursuant to this Article.

PARAGRAPH 11.19. ADDITIONAL AUTHORITY

1. The Board may from time to time promulgate more specific criteria and standards for architectural review. It is the intent of this paragraph that additional standards and criteria will serve to clarify and elucidate the standards and criteria contained in Paragraph 11.15 of this Article and not modify, supercede, or alter said standards and criteria beyond the scope of architectural review.
2. Such additional standards shall be adopted by resolution of the Board and shall become effective when approved by the Planning Commission.

PARAGRAPH 11.20. NUISANCE

Any improvement constructed, located, repaired, modified, altered, or maintained contrary to the provisions hereof is hereby declared to be unlawful and a public nuisance, and may be abated pursuant to the provisions of Chapter 61 of the Sacramento City Code, or any other remedy at law.

PARAGRAPH 11.21.

In order to implement the provisions of this Ordinance and ensure the protection of those values enumerated in Paragraph 11.01 herein, the Board shall utilize, for purposes of Paragraph 11.15 of this Ordinance, the Old City Community Plan, the Central City Plan and General Plan of the City of Sacramento until the Civic Improvement District Plan has been duly promulgated in accordance with Paragraphs 5.9 and 5.10 of this Ordinance. (Ordinance No. 3464, Fourth Series)

lr/pc

SECTION 17

RIGHT-OF-WAY LINES

SECTION 17: RIGHT-OF-WAY LINES

A. ESTABLISHMENT OF RIGHT-OF-WAY LINES--PURPOSE: In order to provide adequate right-of-way for the future widening or realignment of existing streets and the establishment of future streets, regulations are hereby adopted to provide for the establishment of specific right-of-way lines. Such right-of-way lines are established to effectuate the adopted Major Street Plan, and the Street Detail Section of said Major Street Plan.

B. RIGHT OF-WAY-LINES--ESTABLISHED:

1. Special Right-of-Way Lines--Mapped: In addition to specific Major Street right-of-way lines adopted by this Section, special right-of-way lines for certain other streets are hereby established on maps which are attached to and made a part of this Section.
2. Intersection Right-of-Way Lines: In order to provide for expanded street rights-of-way at the intersection of major streets, special right-of-way lines for said intersections are hereby adopted. The "Right Turn Lane" provisions of the Street Detail Section of the adopted Major Street Plan shall constitute street right-of-way line requirements for said major intersections.
3. Major Street and Railroad Crossing Right-of-Way Lines: In order to provide for expanded street rights-of-way at the grade crossing of a major street and railroad rights-of-way, special right-of-way lines for said major streets are hereby adopted. The "Railroad Grade Crossing" provisions of the Street Detail Section of the adopted Major Street Plan shall constitute the street right-of-way line requirements for said major streets.

C. SETBACKS:

1. Property Abutting an Adopted Street Right-of-Way Line: Where property abuts an existing or future major street right-of-way, a Special Right-of-Way established pursuant to this Section, an Expanded Intersection Alignment or Railroad Crossing Alignment, any required setback for a proposed building, structure, or improvement on such property shall be measured from said adopted right-of-way or alignment.
2. Special Conditions: The Planning Director, with the concurrence of the City Engineer and City Traffic Engineer, may reduce the adopted rights-of-way for major streets, expanded intersections and railroad grade crossings in whole or in part when existing improvements or other related conditions warrant such reduction.

D. ADOPTION OF ADDITIONAL RIGHT-OF-WAY LINES FOR STREET WIDENING, REALIGNMENT, AND FUTURE STREETS: Proceedings for the establishment of additional right-of-way lines for widening or realignment of existing major

streets and the establishment of future major streets may be initiated by the Planning Commission.

1. Procedure: Planning Commission: A proposal for the establishment of such right-of-way lines shall be set for at least two (2) public hearings before the Commission, notice of which shall be published in the official newspaper of the City at least fourteen (14) days prior to the first hearing.
2. Procedure: City Council: The City Council, upon receipt of a recommendation from the Planning Commission for the establishment of said right-of-way lines shall set the matter for at least one (1) public hearing, notice of which shall be published in the official newspaper of the City at least fourteen (14) days prior to the hearing.
3. No Building Permits During Proceedings: From the time the Commission sets a hearing and the City Council takes final action on a proposal to establish said right-of-way lines, no building permits may be issued for the alteration or erection of any building or structure between the proposed right-of-way lines, or between the proposed right-of-way line and the appropriate setback line for such new right-of-way.

E. RIGHT-OF WAY LINES FOR MAJOR STREETS--EXISTING CENTER LINE:

Right-of-way lines are hereby adopted for the following major streets designated in the City's Major Street Plan. The center line of said adopted major street right-of-way lines shall coincide with the center line of the existing street right-of-way.

1. Existing right-of-way--exception: In the following list of major streets and their adopter (sic) [adopted] right-of-way line widths, there are some major streets which presently have an adequate right-of-way. No further increase in the right-of-way widths is proposed except when required to comply with Subsections B. 2. and B. 3. of this Section relating to special requirements for Intersection Right-of-Way Lines and Railroad Crossing Right-of-Way Lines. Such streets are designated in the following list by a specific reference to this subsection.
 - (1) Airport Road: From San Juan Road north to the unnamed east-west major street--entered as Item No. 4 Subsection H of this Section--80 ft.
 - (2) Alhambra Boulevard: C Street south to Broadway--80 ft.
 - (3) Alta Arden: Arden Way east to the City limits--100 ft.
 - (4) Alta Valley Drive (Proposed): Mack Road south to the proposed extension of Hewitt Avenue--100 ft.
 - (5) American River Drive: Howe Avenue east to the City Limits--80 ft.
 - (6) Arcade Boulevard: Rio Linda Boulevard east to Del Paso Boulevard--60 ft.
 - (7) Arden Way: Del Paso Boulevard east to the proposed Interstate Route 80 Bypass--80 ft.
Proposed Interstate Route 80 Bypass east to Interstate Route 80--110 ft.
Interstate Route 80 east to the City limits--120 ft.

- (8) Ascot Avenue: Raley Boulevard west to the proposed extension of Sully Street--80 ft.
- (9) Auburn Boulevard: El Camino Avenue northeast to Glenrose Avenue--80 ft.
Glenrose Avenue northeast to Marconi Avenue--75 ft.
Marconi Avenue northeast to Interstate Route 80--80 ft.
- (10) Bannon Street: From North B Street to Richards Boulevard--80 ft.
- (11) Bell Avenue: Norwood Avenue east to Winters Street--80 ft.
- (12) Blair Avenue: Freeport Boulevard west to Southern Pacific Railroad--60 ft.
- (13) Broadway: From its origin at the east bank of the Sacramento River east to Alhambra Boulevard--100 ft.
From Alhambra Boulevard to 65th Street--80 ft.
- (14) C Street: 9th Street east to 29th Street--80 ft.
From 30th Street to Elvas Avenue--80 ft.
- (15) Calvine Road: Franklin Boulevard east to Center Parkway--90 ft.
Center Parkway east to City limits--80 ft.
- (16) Capitol Avenue: 15th Street east to Alhambra Boulevard--100 ft.
- (17) Capitol Mall: East bank of Sacramento River east to 9th Street--180 ft.
- (18) Center Parkway: City limits south to Bruceville Road--100 ft.
- (19) College Town Drive: Howe Avenue west to the intersection of College Town Drive and Hornet Drive--85 ft.
- (20) Connie Drive: Roseville Road south to Marconi Avenue--refer to subsection E-1 of this Section.
- (21) D Street: From the proposed realignment of "C" Street and 7th Street east to 21st Street--80 ft.
- (22) Del Paso Boulevard: State Route 160 Freeway northeast to El Camino Avenue--100 ft.
El Camino Avenue northeast to Marysville Boulevard--110 ft.
- (23) Del Paso Road: City limits near the West Drainage Canal east to City limits at the proposed realignment of Del Paso Road and Northgate Boulevard--110 ft.
- (24) Dry Creek Road: City limits south to Interstate Route 880 Freeway--80 ft.
Interstate Route 880 Freeway south to Grand Avenue--60 ft.
- (25) E Street: 7th Street east to Alhambra Boulevard--80 ft.
- (26) El Camino Avenue: Western Pacific Railroad east to Del Paso Boulevard--60 ft.
Del Paso Boulevard east to the City limits--100 ft.
- (27) El Centro Road: City limits south to the City limits near West Drainage Canal--135 ft.
City limits south to San Juan Road--120 ft.
- (28) Elder Creek Road: Stockton Boulevard east to Southern Pacific Railroad--80 ft.
Florin-Perkins Road east to Elk Grove-Florin Road--80 ft.
- (29) Elkhorn Boulevard: City limits near El Centro Road east to north-south City limits line--110 ft.

- (30) Elvas Avenue: From C Street to G Street--80 ft.
From a point 2,500 feet south of the center line of J Street south to 65th Street--80 ft.
- (31) Ernst Road: From the intersection of Ernst Road and Del Paso Road north to Elkhorn Boulevard along the alignment shown on the Major Street Plan--90 ft.
- (32) Ethan Way: El Camino Avenue south to Hurley Way--80 ft.
- (33) Evergreen Street: From Rio Linda Boulevard to Arden Way--60 ft.
- (34) Exposition Boulevard: Proposed Interstate Route 80 Bypass east to Interstate Route 80--80 ft.
Interstate Route 80 east to City limits--170 ft.
- (35) F Street: 7th Street east to Alhambra Boulevard--80 ft.
- (36) Fair Oaks Boulevard: American River east to the City limits--refer to subsection E-1 of this Section.
- (37) Florin Road: East bank of the Sacramento River to the proposed Interstate Route 5 Freeway--110 ft.
Proposed Interstate Route 5 Freeway east to Freeport Boulevard--139 ft.
Freeport Boulevard east to Amherst Street--120 ft.
Amherst Street east to Tamoshanter Way--152 ft.
Tamoshanter Way east to 24th Street--100 ft.
Western Pacific Railroad east to the City limits--100 ft.
- (38) Florin-Perkins Road: Jackson Road south to the City limits line at Weyand Avenue--80 ft.
- (39) Folsom Boulevard: Alhambra Boulevard east to Southern Pacific Railroad--80 ft.
Southern Pacific Railroad east to the City limits--100 ft.
- (40) Franklin Boulevard: Broadway south to 12th Avenue--refer to subsection E. 1 of this Section.
12th Avenue south to the City limits at 38th Avenue--80 ft.
City limits line north of Turnbridge Drive south to Meadowview Road--refer to subsection E. 1 of this Section.
- (41) Freeport Boulevard: Broadway south to 4th Avenue--60 ft.
4th Avenue south to Sutterville Road (south of 20th Avenue) 80 ft.
Sutterville Road (south of 20th Avenue) south to the City limits--refer to subsection E-1 of this Section.
- (42) Front Street: Capitol Mall south to Broadway--refer to subsection E. 1 of this Section.
- (43) Fruitridge Road: Seamas Avenue east to the City limits line at Mendocino Boulevard--refer to subsection E. 1 of this Section.
City limits line at Ethel Way east to the City limits line east of Elk Grove-Florin Road--refer to subsection E. 1 of this Section.
- (44) G Street: 7th Street east to Alhambra Boulevard--80 ft.
Realignment of G Street and H Street at Alhambra Boulevard--40 ft.

- (45) Garden Highway: Northgate Boulevard west to the City limits--refer to subsection E-1 of this Section.
- (46) Gloria Drive: Greenhaven Drive southwest to Riverside Boulevard--80 ft.
- (47) Grand Avenue: Norwood Avenue east to Winters Street--60 ft.
- (48) Greenhaven Drive: Riverside Boulevard south to Florin Road--80 ft.
- (49) Grove Avenue: Norwood-Grove Avenue realignment--80 ft. From Norwood-Grove Avenue Realignment south to Del Paso Boulevard--50 ft.
- (50) H Street: 6th Street east to American River--refer to subsection E. 1 of this Section.
- (51) Hayes Avenue: Norwood Avenue east to Rio Linda Boulevard--80 ft.
- (52) Heritage Lane: Arden Way south to Exposition Boulevard--100 ft.
- (53) Hewitt Avenue and proposed Northern Extension: Hewitt Avenue and proposed northern extension of Hewitt Avenue from Bruceville Road north to proposed east-west alignment of Hewitt Avenue--80 ft.
Proposed east-west alignment of Hewitt Avenue east to Valley Hi Drive--100 ft.
- (54) Hornet Drive: College Town Drive south to Folsom Boulevard--80 ft.
- (55) Howe Avenue: Auburn Boulevard south to City limits--60 ft. City limits south to University Avenue--100 ft. University Avenue south to Power Inn Road--110 ft.
- (56) I Street: 3rd Street east to 29th Street--80 ft.
- (57) J Street: 3rd Street east to 5th Street--104 ft. 5th Street east to Elvas Avenue Underpass--80 ft. Elvas Underpass east to H Street--refer to subsection E. 1 of this Section.
- (58) Jackson Road: Folsom Boulevard east to City limits--80 ft.
- (59) K Street: 14th Street east to Alhambra Boulevard--80 ft.
- (60) Kiefer Boulevard: From the proposed realignment of Florin-Perkins Road between Folsom Boulevard and Jackson Road east to City limits--80 ft.
- (61) L Street: 3rd Street east to Alhambra Boulevard--80 ft.
- (62) La Riviera Drive: College Town Drive east to City limits--80 ft.
- (63) Land Park Drive: Broadway south to Sutterville Road--80 ft.
- (64) Leisure Lane: Slobe Avenue east to State Route 160--refer to subsection E. 1 of this Section.
- (65) Mack Road: South Sacramento Freeway east to Stockton Boulevard--refer to subsection E. 1 of this Section.
- (66) Main Avenue: City limits east to Norwood Avenue--110 ft. Norwood Avenue east to Raley Boulevard--80 ft.
- (67) Marconi Avenue: From proposed Interstate Route 80 Bypass east to City limits--80 ft.

- (68) Marysville Boulevard: Rio Linda Boulevard south to Bell Avenue--60 ft.
Interstate Route 880 south to Del Faso Boulevard--80 ft.
- (69) Meadowview Road: Freeport Boulevard east to Western Pacific Railroad--80 ft.
- (70) N Street: 2nd Street east to Alhambra Boulevard--80 ft.
Alhambra Boulevard east to Folsom Boulevard--60 ft.
- (71) North B Street: Bannon Street east to North 16th Street--80 ft.
- (72) North 12th Street: State Route 160 Freeway southwest to Southern Pacific Railroad overcrossing--80 ft.
- (73) North 16th Street: State Route 160 Freeway south to Southern Pacific Railroad overcrossing--80 ft.
- (74) Northgate Boulevard: That portion of Northgate Boulevard within the incorporated area of the City of Sacramento between Main Avenue and Interstate Route 880--80 ft.
From the City limits line south of Interstate Route 880 south to State Route 160--80 ft.
- (75) Norwood Avenue: Main Avenue south to Norwood-Grove Avenue realignment 80 ft.
Norwood-Grove Avenue realignment--80 ft.
- (76) P Street: 2nd Street east to Alhambra Boulevard--80 ft.
- (77) Pocket Road: Freeport Boulevard west to the proposed Interstate Route 5 Freeway--80 ft.
- (78) Power Inn Road: Howe Avenue south to the City limits--80 ft.
- (79) Q Street: 2nd Street east to Alhambra Boulevard--80 ft.
- (80) Raley Boulevard: Interstate Route 880 Freeway north to City limits--80 ft.
- (81) Richards Boulevard: Interstate Route 5 Freeway east to State Route 160--80 ft.
- (82) Rio Linda Boulevard: City limits south to Interstate Route 880 Freeway--80 ft.
Grand Avenue south to Evergreen Street--80 ft.
- (83) Riverside Boulevard: W Street south to 13th Avenue--80 ft.
13th Avenue south to Sutterville Road--70 ft.
From Florin Road to Frates Way--80 ft.
Frates Way east to the proposed Interstate Route 5 Freeway--90 ft.
- (84) Roseville Road: Auburn Boulevard northeast to the City limits--80 ft.
- (85) Royal Oaks Drive: Arden Way south to State Route 160 Freeway--80 ft.
- (86) S Street: 2nd Street east to Alhambra Boulevard--80 ft.
- (87) Sacramento Boulevard: 23rd Avenue south to the City limits--60 ft.
- (88) San Juan Road: North-South City limits line near El Centro Road east to Northgate Boulevard--80 ft.
- (89) Seamas Avenue: Riverside Boulevard east to Fruitridge Road--refer to subsection E.1 of this Section.
- (90) Sheldon Road: Bruceville Road west to north-south City limits line--110 ft.

- (91) RESERVED (Ord. 4353-Fourth Series, effective 6-13-80)
- (92) Sproule Avenue: North 12th Street west to North 16th Street--80 ft.
- (93) South Land Park Drive: Sutterville Road south to the proposed Interstate Route 5 Freeway--60 ft.
- (94) Stockton Boulevard: Alhambra Boulevard south to the City limits near Patterson Lane--refer to subsection E. 1 of this section.
- (95) Sully Street: Main Avenue north to Rio Linda Boulevard--80 ft.
- (96) Sunbeam Avenue: Richards Boulevard south to North 12th Street--60 ft.
- (97) Sutterville Road: Proposed Interstate Route 5 Freeway east to Franklin Rd. (sic) [Blvd] --refer to subsection E. 1 of this Section.
- (98) T Street: 3rd Street east to Alhambra Boulevard--80 ft.
Alhambra Boulevard east to Stockton Boulevard--refer to subsection E. 1 of this Section.
- (99) Truxel Road: San Juan Road south to Garden Highway--90 ft.
- (100) University Avenue: Fair Oaks Boulevard to American River Drive--80 ft.
- (101) Valley Hi Drive: Mack Road south to Grandstaff Drive--100 ft.
Grandstaff Drive east to Franklin Boulevard--80 ft.
- (102) W Street: 3rd Street east to 29th Street--80 ft.
- (103) Watt Avenue: American River south to Folsom Boulevard--refer to subsection E. 1 of this Section.
- (104) West El Camino Avenue: City limits east to Reiner Way--90 ft.
Reiner Way east to Northgate Boulevard--80 ft.
Northgate Boulevard east to East Levee Road--50 ft.
- (105) Winter [s] Street: Bell Avenue south to North Avenue - 70 ft.
North Avenue south to Interstate Route 880 Freeway--80 ft.
- (106) X Street: 4th Street east to Alhambra Boulevard--80 ft.
- (107) 2nd Avenue: Freeport Boulevard east to 21st Street--50 ft.
21st Street east to a point 104 feet east of the center line of 26th Street--80 ft.
From a point 104 feet east of the center line of 26th Street east to San Fernando Way--60 ft.
San Fernando Way east to Franklin Boulevard--40 ft.
Franklin Boulevard east to Broadway--80 ft.
- (108) 2nd Street: I Street south to Front Street--80 ft.
N Street south to P Street--80 ft.
Q Street south to S Street- 80 ft.
- (109) 3rd Street: I Street south to Broadway--80 ft.
- (110) 5th Street: H Street south to Broadway--80 ft.
- (111) 6th Street: H Street south to J Street- 80 ft.
- (112) 7th Street: E Street south to T Street--80 ft.
- (113) 8th Street: D Street south to Broadway--80 ft.
- (114) 9th Street: C Street south to Broadway--80 ft.
- (115) 10th Street: C Street south to Broadway--80 ft.

- (116) 12th Avenue: Franklin Boulevard east to the South Sacramento Freeway--80 ft.
South Sacramento Freeway east to 12th-14th Avenue realignment--50 ft.
- (117) 12th Street: Southern Pacific Railroad south to L Street--80 ft.
- (118) 14th Avenue: Sacramento Boulevard east to 58th Street--60 ft.
58th Street east to a point 210 feet west of the center line of 60th Street--70 ft.
From a point 210 feet west of the center line of 60th Street east to a point 165 feet east of the center line of 62nd Street--80 ft.
From a point 165 feet east of the center line of 62nd Street east to 67th Street--70 ft.
67th Street east to a point 225 feet east of the Center line of 71st Street--60 ft.
From a point 225 feet east of the center line of 71st Street east to Florin-Perkins Road--80 ft.
- (119) 15th Street: Southern Pacific Railroad south to Broadway--80 ft.
Proposed extension of 15th Street from Southern Pacific Railroad north to State Route 160--80 ft.
- (120) 16th Street: Southern Pacific Railroad south to Broadway--80 ft.
- (121) 19th Street: C Street south to Broadway--80 ft.
- (122) 20th Street: C Street south to Broadway--80 ft.
- (123) 21st Street: C Street south to H Street--100 ft.
H Street south to Freeport Boulevard--80 ft.
- (124) 24th Street: S Street south to Broadway--80 ft.
Sutterville Road south to Florin Road--80 ft.
24th Street Bypass south to City limits--80 ft.
- (125) 24th Street Bypass: Florin Road south to 24th Street--80 ft.
- (126) 26th Street: S Street south to Broadway--80 ft.
- (127) 29th Street: C Street south to W Street--80 ft.
- (128) 30th Street: C Street south to T Street--80 ft.
- (129) 43rd Avenue: 43rd Avenue Bypass east to Blair Avenue--60 ft.
- (130) 43rd Avenue Bypass: Riverside Boulevard east to proposed Interstate Route 5 Freeway--100 ft.
Proposed Interstate Route 5 Freeway east to 43rd Avenue--60 ft.
- (131) 47th Avenue: 24th Street east to City limits--80 ft.
City limits (east of 54th Street) east to Wire Drive--110 ft.
Wire Drive east to Stockton Boulevard--80 ft.
- (132) 59th Street: Folsom Boulevard south to Broadway--60 ft.
- (133) 65th Street: Elvas Avenue south to Folsom Boulevard--refer to subsection E. 1 of this Section.
Folsom Boulevard south to State Route 50--80 ft.
- (134) 65th Street Expressway: 14th Avenue south to the City limits--100 ft.

F. RIGHT-OF-WAY LINES FOR MAJOR STREETS--NEW CENTER LINE: Right-of-way lines are hereby adopted for the following major streets designated in the City's Major Street Plan.

1. New Center Line: The center line of said adopted Major Street right-of-way lines does not coincide with the centerline of the existing street right-of-way. A description of the location of the new center line for the expanded right-of-way is indicated in each right-of-way description.
 - (1) Bruceville Road: Hewitt Avenue south to Sheldon Road. The center line of the adopted right-of-way shall coincide with the construction center line as shown on (1) Plans for Hewitt Avenue. Cosumnes River College Assessment District, City of Sacramento dated May 1968 and (2) Plans for the proposed improvements of Bruceville Road-Elk Grove Boulevard to Calvine Road by the Department of Public Works, Highway and Bridge Division, County of Sacramento, dated July 31, 1970--80 ft.
 - (2) Elder Creek Road: Southern Pacific Railroad east to Florin-Perkins Road. The center line of the adopted right-of-way shall be located 10 feet to the south of the center line of the existing right-of-way --80 ft.
 - (3) Florin Road: 24th Street east to Western Pacific Railroad. The center line of the adopted right-of-way shall coincide with the construction center line as shown on the drawings titled "Plans for Improving Florin Road from 173 feet east of 24th Street to E. P. L. W. P. R. R. " by the Sacramento City Engineering Department -100 ft.
 - (4) Franklin Boulevard: Meadowview Road south to City limits line north of Sims Road. The center line of the adopted right-of-way shall be located 23 feet to the east of the center line of the existing right-of-way--100 ft.
 - (5) Mack Road: Franklin Boulevard east to the South Sacramento Freeway. The center line of the adopted right-of-way shall be located 25 feet to the south of the center line of the existing right-of-way--110 ft.
 - (6) Riverside Boulevard: 43rd Avenue bypass west to Florin Road. The center line of the adopted right-of-way shall coincide with the construction center line as shown on the City Engineer's Department Plans titled "Riverside Boulevard," dated November 19, 1968; Plans for Improvement of Riverside Boulevard in Riverview Estates No. 1, dated January 1965, and Plans for Improvement of Riverside Boulevard in Greenhaven Unit No. 6--80 ft.
 - (7) Sacramento Boulevard: 14th Avenue south to 23rd Avenue. The center line of the adopted right-of-way shall be located 10 feet east of the center line of the existing right-of-way--60 ft.

- (8) 65th Street: State Route 50 south to 14th Avenue. The center line of the adopted right-of-way shall coincide with the construction center line as shown on the plans "Widening Improvement of 65th Street from "S" Street to 14th Avenue" dated February 1958 by the City of Sacramento Engineering Department--80 feet.
- (9) Silver Eagle Road: From eastern terminus of proposed San Juan Road-Silver Eagle Road Realignment easterly to Norwood Avenue. The center line of the adopted right-of-way shall coincide with the center line designated on the City Engineering Department Plans titled "Proposed Alignment San Juan Road/West Silver Eagle Road", File No. 7899--80 feet.

G. RIGHT-OF-WAY LINES FOR MAJOR STREETS--PROPOSED REALIGNMENT: Right-of-way widths are hereby adopted for the following Major Streets designated in the City's Major Street Plan.

1. It is proposed that the following streets and their rights-of-way will be realigned as provided for in the Major Street Plan:

- (1) Proposed realignment of Rio Linda Boulevard and Palmetto Street: From Grand Avenue north to a point 3,600 feet north of the center line of Grand Avenue--70 feet.

From a point 3,600 feet north of the center line of Grand Avenue to the intersection of Rio Linda Boulevard and North Avenue--80 feet.

- (2) Proposed realignment of "C" Street and 7th Street: From the intersection of "C" Street and 9th Street south to the intersection of 7th Street and "E" Street--80 feet.

- (3) Proposed realignment of Meadowview Road and Mack Road: From the Western Pacific Railroad crossing on Meadowview Road south to the intersection of Mack Road and Franklin Boulevard--110 feet.

- * (4) Proposed realignment of San Juan Road-Silver Eagle Road: From a location approximately 2,500 feet west of Northgate Boulevard easterly to Northgate Boulevard--100 feet.

From Northgate Boulevard easterly to a location approximately 800 feet east of Western Avenue - right-of-way width varies from 54 feet to 190 feet and shall be as designated on the City Engineering Department Plans titled "Proposed Alignment San Juan Road/West Silver Eagle Road" File No. 7899.

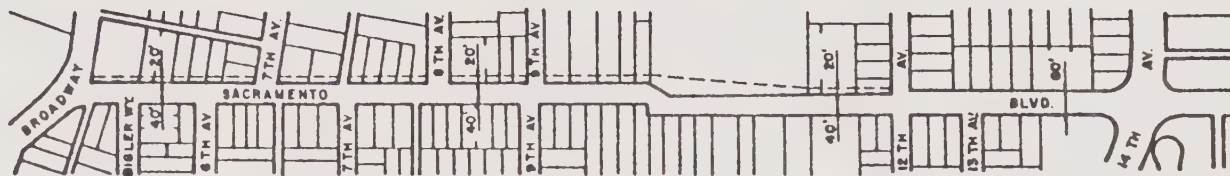
- (5) Proposed realignment of Silver Eagle Road and Hayes Avenue: The realignment of Silver Eagle Road and Hayes Avenue at their intersection with Norwood Avenue--80 feet.
- (6) Proposed realignment of Florin-Perkins Road: From the intersection of Folsom Boulevard and Julliard Drive to the intersection of Jackson Road and the existing southern portion of Florin-Perkins Road - 80 feet.

*Ord. 4353-Fourth Series (effective 6-13-80)

- (7) Proposed realignment of Arcade Boulevard and Marconi Avenue: From the intersection of Arcade Boulevard and Del Paso Boulevard east to the proposed Interstate Route 80 Bypass--106 feet.
- (8) Proposed realignment of Sutterville Road: The realignment of Sutterville Road at Freeport Boulevard--80 feet.

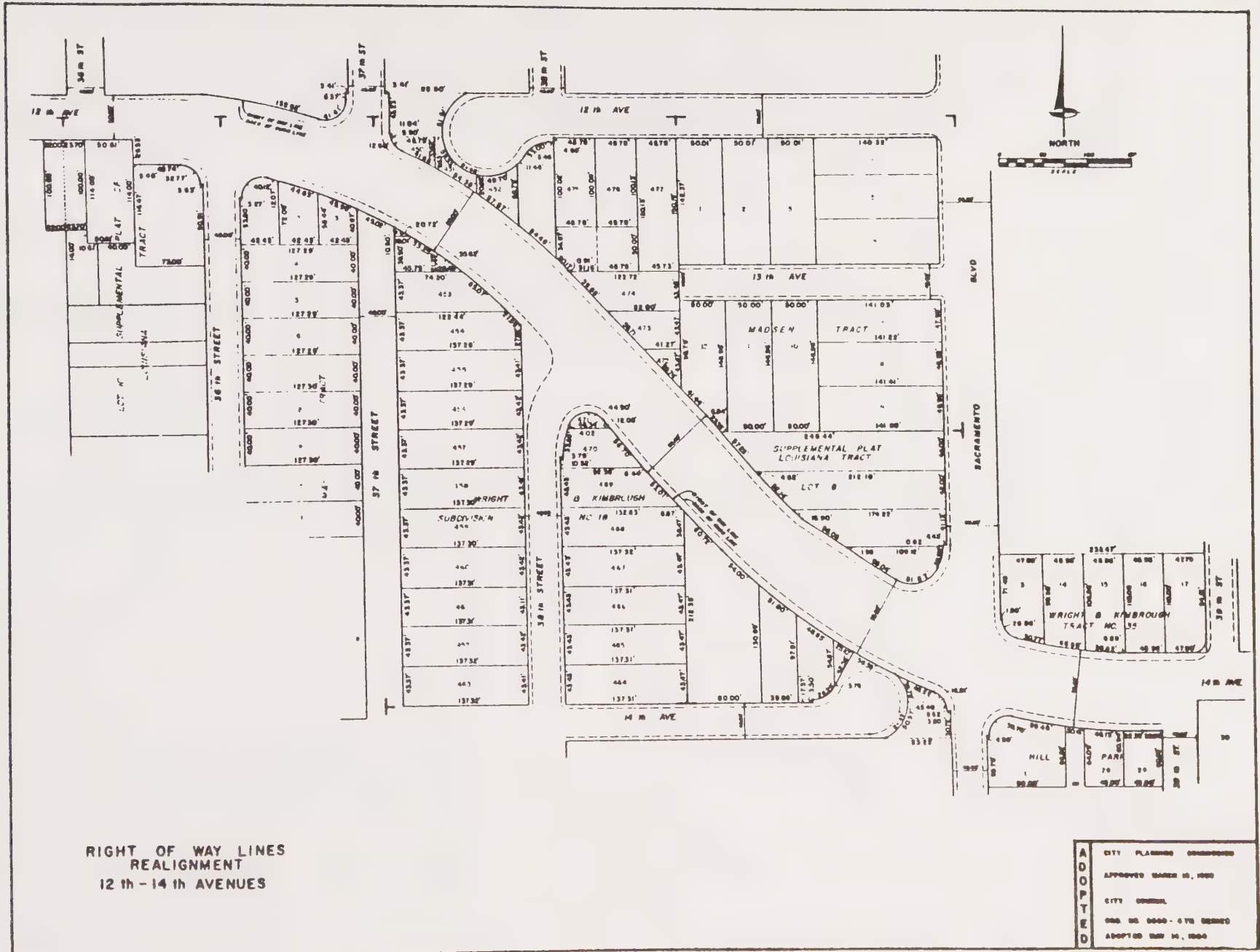
H. RIGHT OF WAY LINES FOR PROPOSED MAJOR STREETS: Right-of-way widths are hereby adopted for the following future Major Streets designated in the City's Major Street Plan.

- (1) Unnamed Major Street in Pocket Area: As indicated on the Major Street Plan, the proposed Major Street extends from Florin Road southwesterly to Riverside Boulevard and is located southeasterly of the proposed extension of Gloria Drive--90 ft.
- (2) Unnamed Major Street in Pocket Area: As indicated on the Major Street Plan, the proposed Major Street extends from Florin Road at Greenhaven Drive south to the proposed Interstate Route 5 Freeway--90 ft.
- (3) Unnamed Major Street in Natomas Area: As indicated on the Major Street Plan, the proposed Major Street extends from the intersection of Ernst Road and Del Paso Road south to the intersection of Truxel Road and San Juan Road--90 ft.
- (4) Unnamed Major Street in Natomas Area: As indicated on the Major Street Plan, the proposed Major Street extends from El Centro Road westward to its intersection with the unnamed north-south major street, listed as Item No. 3 in this list. The proposed east-west major street is located south of Del Paso Road and north of San Juan Road--110 ft.
- (5) Unnamed Major Street in Natomas Area: As indicated on the Major Street Plan, the proposed Major Street extends from the unnamed Major street listed as Item No. 3 in this section east to the City limits. The proposed east-west Major Street is located south of Del Paso Road and north of Interstate Route 880 Freeway--90 ft.
- (6) Unnamed Major Street in Natomas Area: As indicated on the Major Street Plan, the proposed major street extends from San Juan Road north to the City limits at Elkhorn Boulevard. The proposed north-south major street is located east of Ernst Road and west of Northgate Boulevard--90 ft.
- (7) Unnamed Major Street in the North Sacramento Area: As indicated on the Major Street Plan, the proposed Major Street extends from Leisure Lane south to the proposed Interstate Route 80 Bypass--80 ft.



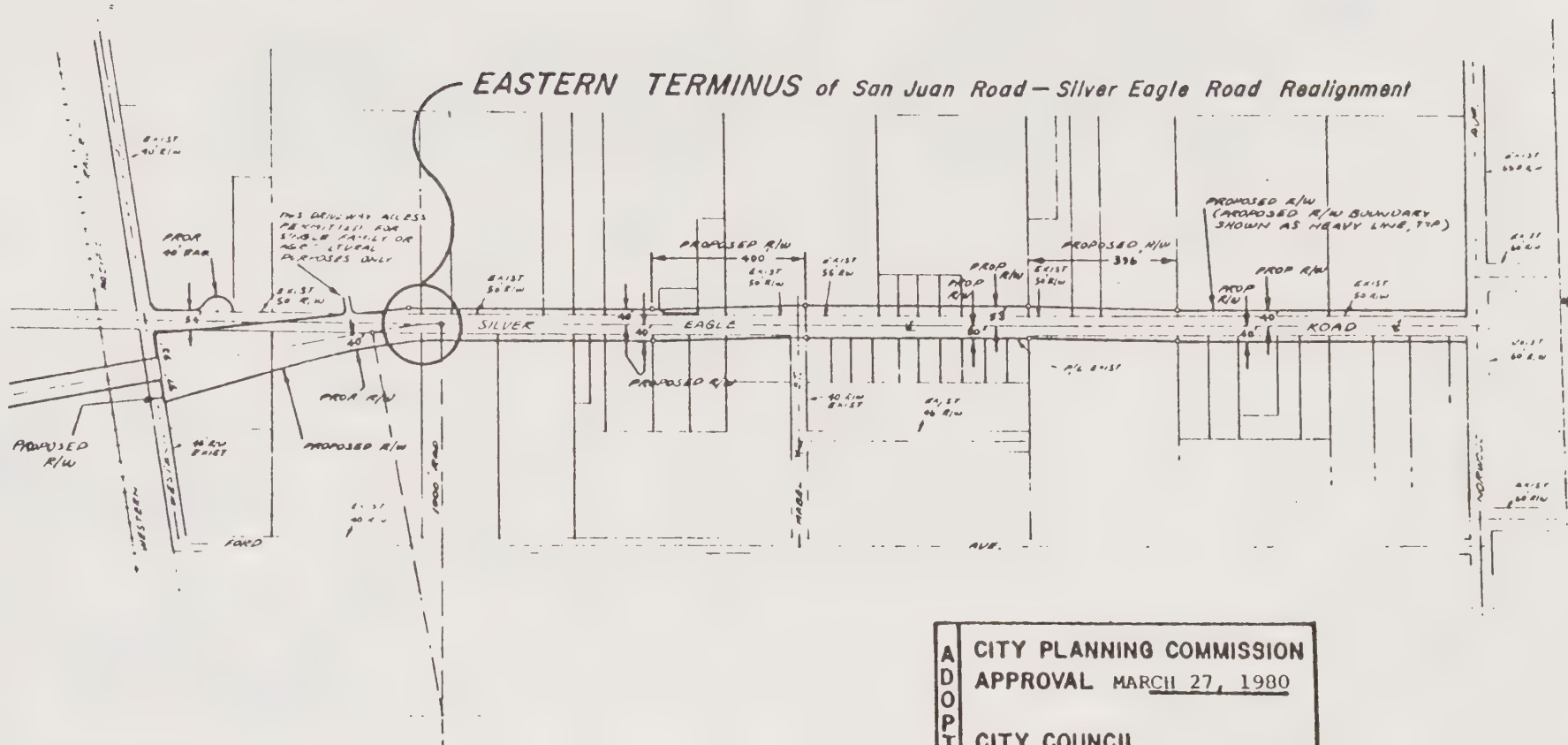
RIGHT OF WAY LINES
SACRAMENTO BOULEVARD

A D O P T E D	CITY PLANNING COMMISSION
	APPROVED: SEPT. 14, 1971
	CITY COUNCIL
	ORD. NO. 3082 4TH SERIES
	ADOPTED: NOV. 4, 1971



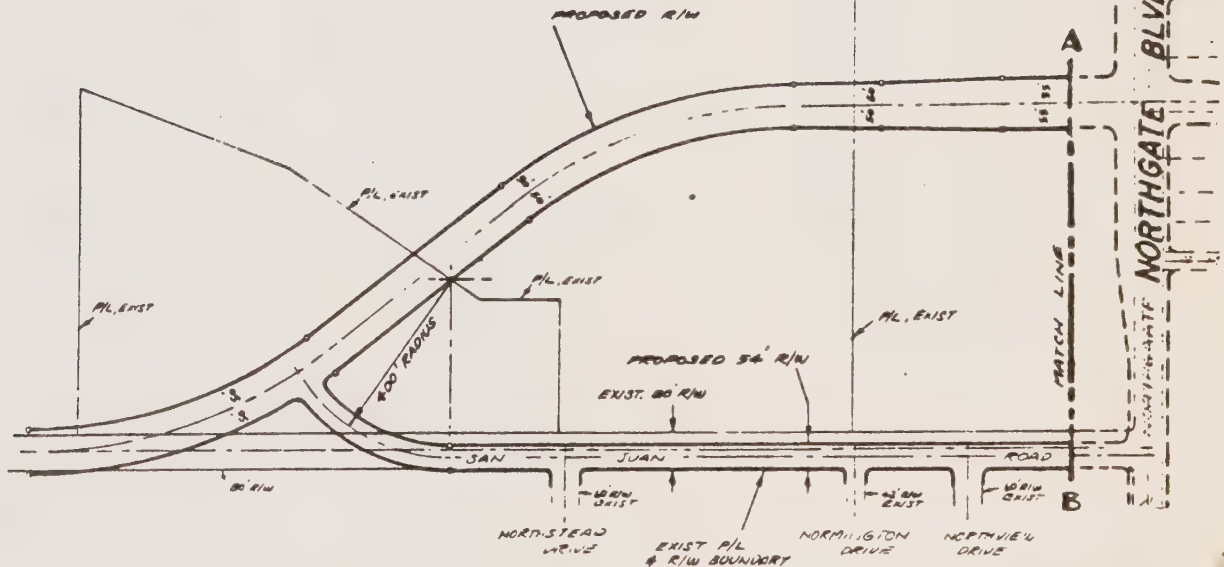


NEW CENTER LINE — SILVER EAGLE ROAD
(SECTION 17-F-1(9), SACRAMENTO CITY ZONING ORDINANCE
(M-443)

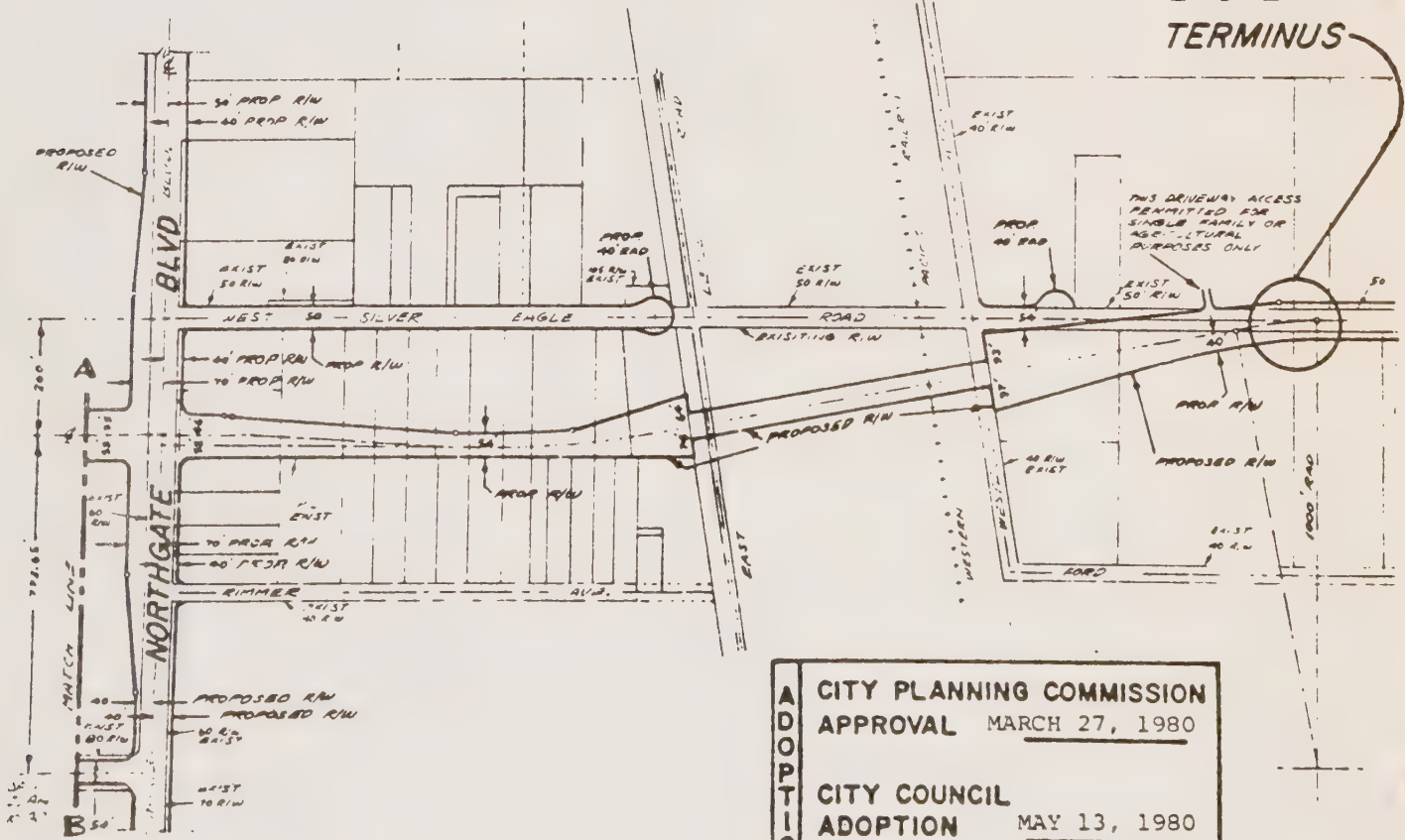


ADOPTION
CITY PLANNING COMMISSION
APPROVAL MARCH 27, 1980
CITY COUNCIL
ADOPTION MAY 13, 1980
ORD. NO. 4353

SAN JUAN ROAD—SILVER EAGLE ROAD REALIGNMENT
 (SECTION 17-G-1(4), SACRAMENTO CITY ZONING ORDINANCE
 (M-443))



**EASTERN
TERMINUS**



ADOPTION	CITY PLANNING COMMISSION
	APPROVAL MARCH 27, 1980
	CITY COUNCIL
ADOPTION	MAY 13, 1980
ORD. NO.	4353

SECTIONS 18,19,20,21

HEARINGS AND APPEAL

ADMINISTRATION AND ENFORCEMENT

LEGALITY

REPEALING CLAUSE

SECTION 18: HEARINGS AND APPEAL

- A. **APPLICABILITY OF SECTION:** The provisions of this section apply to, and govern the procedural requirements for any hearing or appeal; provided, however, that if a provision of any other section expressly provides any such requirements shall be done in the manner different from the provisions of this section, such deviation shall control over any inconsistent provision of this section. (Amended by Ord. 3992, 4th Series.)
- B. **INITIATION BY PROPERTY OWNER:** An applicant for a hearing on any matter effecting specific property may be one or more holders of an interest in such property, or his agent. An applicant may initiate the procedure for a hearing in the following manner:
1. When written notice is required by other provisions of this ordinance to be given to property owners within a specified radius of the property involved in the proceedings, the applicant shall submit a map showing all of such property within the specified radius, together with a list of names and addresses of those persons entitled to receive notice to the Real Estate Supervisor. Upon a determination that the list contains the names and address of all persons entitled to written notice, the Real Estate Supervisor shall stamp the list "approved" and return it to the applicant. This "approval" shall be valid for a period of twenty five (25) days following the date the Real Estate Supervisor stamps the list "approved".
 2. The applicant shall submit his application on a form provided by the Planning Director. The Planning Director shall accept for filing an application for hearing whenever he determines that:
 - a) The application is complete; including such plans and written statements by the applicant as deemed necessary by the Planning Director to fully describe the applicant's proposal and representations concerning the use and development of the property in question.
 - b) The applicant has attached thereto a map showing all that property required to be noticed within the specified radius and a valid list of the names and addresses of those persons who are entitled to written notice, if any, as approved by the Real Estate Supervisor.
 - c) The applicant has paid the required fee, if any.
- C. **INITIATION BY CITY COUNCIL OR PLANNING COMMISSION:** Where authorized by other provisions of this code, the City Council or the Planning Commission may initiate the procedure for a hearing by delivering to the Planning Director a duly adopted motion directing that a hearing be held, defining the proposed action, and describing the property involved in the proceedings. The Planning Director shall file the application for hearing by the Planning Commission or the City Council upon receipt. Where written notice of the hearing is required by other

provisions of this section be given to the property owners within a specified radius of the property involved in the proceedings, the Real Estate Supervisor shall compile a list of names and addresses of persons who are entitled to receive written notice and forward this list to the Planning Director.

*D. NOTICE - CONTENTS:

1. Notice of a hearing shall include the time and place of the hearing, a general description of the matter to be considered, a general description of the property involved in the proceedings, and shall state what environmental determination, if any, has been made on the application to be considered at the hearing.
2. Failure of any person to receive notice as required by the provisions of this ordinance shall not affect the validity of the hearing held pursuant to the provisions of this section, nor prevent the City Planning Commission or the City Council from proceeding with any such hearing.

E. HEARING - PLANNING STAFF REPORT: When a planning staff report exists, such report shall be made public prior to or at the beginning of the hearing and shall be a matter of public record. When any hearing is held on an application or a change of zone for parcels of at least ten (10) acres, a staff report with recommendations and the basis for such recommendations must be made.

F. HEARING - REPORT: A copy of the record of any hearing held pursuant to the provisions of this section shall be made available to any person at cost.

G. DECISION: The hearing body may grant, in whole or in part, or refuse to grant, modify, or condition the proposed action. On appeal, the hearing body may affirm, reverse, condition, or modify, in whole or in part, the decision on the proposed action. Provided, however, that no decision by the hearing body shall permit the applicant to do an act which was not described in the "general explanation of the matters to be considered" included in the notice of the hearing or the notice of appeal.

H. DECISION OR RECOMMENDATION - TIME LIMIT: The hearing body shall render a decision or recommendation within one hundred twenty (120) days from the date of the hearing on the application. The hearing may be continued by mutual consent of the hearing body and the applicant. The time limit for this determination may be extended by mutual consent of the hearing body and the applicant. The provisions of this section shall not apply to any applications pending prior to the effective date of this subparagraph. The provisions of this section shall apply only to matters initiated in the manner provided for in subparagraph B of Section 18. If, at the expiration of the time herein provided the hearing body has not rendered a decision or made a recommendation, the applicant may by letter to the hearing body indicate his intent to treat his application as denied or disapproved. Applicant may then appeal or seek other appropriate remedies in accordance with the provision of this section.

*Ord. 4283-Fourth Series (effective 12-27-79)

- I. DECISION OR RECOMMENDATION - NOTICE: Within two (2) days following a decision on a matter for which a hearing was held pursuant to the provisions of this section, the Secretary of the City Planning Commission or the City Clerk shall post on a publicly accessible bulletin board a synopsis of the action taken.
- J. DECISION - EFFECTIVE DATE: The timely filing of appeal to either the City Planning Commission or City Council stays proceedings until the determination of the matter on appeal. A decision of the City Planning Commission shall become final upon expiration of the time within which an appeal from that decision may be taken (unless additional time is granted by the City Council). A decision of the City Council shall be effective forthwith unless otherwise provided by the City Council at the time the decision is rendered. Nothing in this paragraph shall be construed to shorten the time within which a decision by ordinance adopted by the City Council becomes effective as provided in Sections 26 and 30 of the Sacramento City Charter. No appeal shall be accepted unless it is timely filed.
- K. APPEAL - CONTENT - TIME:
1. Any person dissatisfied with any action of the Planning Director may appeal therefrom to the City Planning Commission at any time within five (5) days after notice of the decision is given (unless additional time is granted by the City Planning Commission). Such an appeal is taken by filing a notice of appeal with the Planning Director. Upon filing of a notice of appeal, the Planning Director shall within ten (10) days transmit to the Secretary of the Planning Commission all papers and documents on file with the Planning Director relating to the appeal.
 2. An applicant or any person aggrieved by the determination of the City Planning Commission may appeal to the City Council at any time within ten (10) days after the decision of the Planning Commission. The City Council may extend the time within which an appeal may be filed upon a finding that prejudice will not result thereby. Such appeal shall be filed on the form provided by the Planning Director. Thereupon the appeal documents and the City Planning file shall be transmitted to the City Council within a period of ten (10) days.
 3. Permits may not be issued: No construction permits, license or other permit for a project or use requiring approval by the Planning Commission may be issued until the ten day period following such approval has expired. No construction permits, license or other permit shall be issued while a hearing on appeal therefrom is pending.
(SEE ORD. #3340-4TH SERIES, SEC. 2 - Adding subparagraph 3)
 4. The filing of a notice of appeal of a decision by the planning director shall be accompanied by a filing and investigation fee of \$35. The filing of a notice of appeal of the decision by the planning commission shall be accompanied by a filing and investigation fee of \$50. (SEE ORD.#4096-4TH SERIES, SEC. 14 - Adding subparagraph 4).

L. APPEAL - NOTICE: Notice of any appeal shall be given by the Clerk or Secretary of the hearing body in the following manner:

1. By posting on a publicly accessible bulletin board at least seven (7) days prior to the date set for the hearing; and,
2. By written notice to those persons who appear and identify themselves for the record before the board before which the original hearing was held, those persons who request in writing to be notified of any further proceedings on the matter, the appellant, and the owner of the property affected where such owner is not the appellant. Such notice to be placed in the United States mail at least ten (10) days prior to the date set for the hearing.

M. LIMITATION OF ACTIONS ATTACKING DECISIONS: Any action or proceeding to attack, review, set aside, or annul any decision or matter taken or done pursuant to the procedure of this section, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within thirty (30) days after the date of such decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

SECTION 19: ADMINISTRATION AND ENFORCEMENT

- A. **ENFORCEMENT:** It shall be the duty of the Building Inspector to enforce any portion of this Ordinance relative to building construction and it shall be the duty of the Planning Director to enforce all other provisions of this Ordinance. No oversight or dereliction on the part of the Building Inspector or Planning Director or any authorized assistants of any official, or employee of the City of Sacramento, vested with the duty or authority to issue permits or licenses shall legalize, authorize, waive, or excuse the violation of any provisions of this Ordinance. No permit or license for any use, building or purpose shall be issued by an official or employee of the City of Sacramento if the same would be in conflict with the provisions of this Ordinance now in force referring to this Ordinance. Any permit or license so issued shall be null and void.
- B. **PERMITS AND LICENSES:** All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the location of buildings and parking, the location of the main building on each adjacent lot, accurate dimensions of all buildings and lot sizes and such other information as may be necessary to provide for the administration of these regulations.
- C. **INSPECTION OF PREMISES:** In the administration and enforcement of this Ordinance, any duly authorized official or employee of the City of Sacramento shall have authority to enter any building, or upon any premises, for the purpose of investigation and inspection, provided, however, that the above referred to right of entry shall be exercised only during daylight hours, provided further, that no dwelling shall be entered without the consent of the occupant unless a 24 hour notice of intention to enter shall have been served upon such occupant. No person shall refuse to permit an inspection after service of such notice.
- D. **VIOLATION IS A PUBLIC NUISANCE:** In the event any person, firm, or corporation should use, erect, construct, move or alter any property, building or structure or permit any of the foregoing in violation of the provisions of this ordinance, the same is hereby declared a public nuisance and the City Attorney is authorized to bring and prosecute an action in any Court of competent jurisdiction to enjoin such person, firm or corporation from continuing or permitting such use, erection, construction, moving or altering, or if such use, erection, construction, moving, or alterations is being, or has been accomplished, the City Attorney is authorized to institute and maintain an action to enjoin such person, firm or corporation from maintaining or permitting the maintaining of same.
- E. **PENALTY:** Any person, firm or corporation violating any provision of this Ordinance shall be guilty of an infraction, subject to the provisions of Government Code Section 36900(b). Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. (Ordinance No.83-153)

- *F. Notwithstanding any other provision of the Comprehensive Zoning Ordinance (Ordinance No. 2550-4th Series) or resolutions adopted by the City Council to the contrary, the fees and/or charges imposed by sections 13-A-7, 15-C-2, 15-D-6, 15-E-1, 14-G, 8-D-1, 8-D-6, 11-A-2, 13-B-1, 13-A-3-c, 18-K, 16 paragraph 11.17 and 6-D-2 of the Comprehensive Zoning Ordinance shall be automatically increased by a percentage of the fee or charge so imposed. The percentage increase shall approximate to the nearest percent the percentage of annual increase, if any, in the cost-of-living during the whole of the preceding calendar year by reference to the current U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index (all urban) for the San Francisco-Oakland area (or the Sacramento area in the event the Index is established for the Sacramento area), for the whole of the preceding calendar year. The percentage increase shall be applied to, and calculated upon, the amount of the fee and/or charge imposed for the prior year. The percentage increase in the index for each year shall be applied to, and calculated upon, a sum equal to the sum which could have been charged for the prior year based on the increase in the index for that year, regardless of the sum actually imposed in the prior year.
- *G. The increase provided in Subdivision F shall go into effect on July 1, 1979, and on July 1 of each succeeding year unless by June 15 of any year the Council determines by majority vote to waive any increase or determines that a lesser increase than provided in Subdivision F shall be imposed.

*Ord. No. 4099-4th Series (Eff. 6/29/78)

SECTION 20: LEGALITY

- A. VALIDITY: Should any Section or part of a Section, Clause, or provision of this Ordinance be declared by the Court to be invalid, the same shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part so declared invalid.

SECTION 21: REPEALING CLAUSE

- A. ORDINANCE 1963-4th SERIES REPEALED: Ordinance No. 1963-4th Series, and all amendments thereto are hereby repealed.
- B. ALL OTHER CONFLICTING ORDINANCES REPEALED: All other Ordinances or amendments thereof in conflict herewith are hereby repealed, provided that foregoing repeal as in this Section provided shall not effect any prosecution of any person who is now, or may hereafter be had or taken for the violation of the provisions of said Ordinance so repealed.

SECTION 22

DEFINITIONS

SECTION 22: DEFINITIONS

A. **DEFINITIONS OF WORDS AND TERMS:** For the purpose of this Ordinance certain terms and words are herewith defined as follows:

1. Accessory Building: A detached building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building, or to the main use of the land.
2. Alley: A public right-of-way which serves as a secondary means of access to abutting property.
3. Building: Any structure having a roof supported by columns or walls. Mobile homes and recreational vehicles, with or without wheels, shall not be considered as buildings.
4. Building, height of: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the plate line.
5. Carport: Any structure or portion of a building or structure other than an attached or detached garage, used to shelter self-propelled vehicles.
6. Commission: Means the Planning Commission having jurisdiction in the area referred to in the title of this Ordinance.
7. Convenience Store: An establishment with a sales area of 5,000 square feet or less which sells primarily food, household and personal convenience items. Accessory activities may include the sale of gasoline or the operation of arcade games. "Convenience market" shall not include establishments whose operation is primarily characterized by a) the sale of alcohol, such as a liquor store; or b) on-site preparation of food, such as delicatessens or restaurants; or c) stores which sell fresh fruits, vegetables, and/or meats.
8. Court: An open unoccupied space, other than a yard, on the same lot with a building and bounded on one or more sides by such building or buildings.
9. Dwelling: A building or portion thereof designed exclusively for residential occupancy.
10. Dwelling Unit: A group of rooms or a single room within a dwelling, with kitchen facilities, and occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone.
11. Dwelling - one family: A detached building designed exclusively for occupancy by one family.
12. Dwelling - two family: A detached building designed exclusively for occupancy by two families living independently of each other, under one roof.

13. Dwelling - multiple family: A building or portion thereof designed for occupancy by three or more families living independently of each other, but under one roof.
14. Family: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.
15. Frontage: That portion of a lot which abuts a public right-of-way or other principal means of access thereto.
16. Gross floor area: The area included within the surrounding walls of a building.
17. Hotel: A building designed for occupancy as the more or less temporary place of abode for individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provision is made for cooking in any individual room or suite.
18. Improvements: Buildings, structures and fixtures erected on or affixed to land except telephone, telegraph and electrical lines.
19. Kennel, dog: Any premises, buildings, or structures in or on which more than three dogs at least four months of age are harbored.
20. Living quarters: One or more rooms in a building designed for occupancy by one or more persons for living or sleeping purposes.
21. Lot: A parcel of land shown on a subdivision map or a record of survey map or a parcel described by metes and bounds, or a building site in one ownership having an area for each main building as hereinafter required in each zone.
22. Lot coverage: The amount of lot, stated in terms of percentage, that is covered by all buildings and/or structures located hereon. This shall be deemed to include all buildings, porches, breezeways, patio roofs and the like, whether open box type or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.
23. Lot line, front: In the case of an interior lot, a lot line separating the lot from the street or place, and in the case of a corner lot, a lot line separating the narrowest street frontage of the lot from the street.
24. Lot line, rear: A lot line which is opposite and most distance from the front line, and in case of an irregularly shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
25. Lot width: The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front line or a rear lot line.

26. Lot line, side: Any lot boundary line not a front line or a rear lot line.
27. Lot depth: The distance between the front and rear lot line measured in the average direction of the side lot line.
28. Lot area: The total area within the lot lines of a lot.
29. Lot, corner: A lot situated at the intersection of two or more streets having an angle of intersection of not more than one hundred thirty-five degrees.
30. Lot, reversed corner: A corner lot, the rear of which abuts upon the side of another lot.
31. Lot, key: The first interior lot to the rear of a reversed corner lot.
32. Lot, interior: A lot other than a corner lot.
33. Lot, through: A lot having frontage on two public streets.
34. Motel: One building, or a group of buildings containing individual sleeping units, designed for or used temporarily by automobile tourists or transients, with garage attached, or parking space conveniently located to each unit.
35. Non-conforming use: Any use, whether of a building, other structure, lot, or tract of land, which does not conform to the use regulations of this Ordinance for the district in which such non-conforming use is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.
36. "Old City": That area of the City of Sacramento lying between the Southern Pacific main line railroad levee on the North, Broadway on the South, the Sacramento River on the West, and Alhambra Boulevard on the East.
37. Open space: Land and water essentially without improvements and used for public recreation, enjoyment or scenic beauty, conservation or use of natural resources, production of food or fibre, light and air or environmental amenity.
38. Reversed frontage: The situation wherein the rear lot line of a corner lot is contiguous to the side lot line of the adjacent interior lot.
39. Setback line: The line beyond which the main wall of a building or structure shall not project.
40. Street: A public thoroughfare including public roads or highways which affords principle means of access to abutting property.
41. Structure: Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences. (see building.)

42. Structural alterations: Any change of the supporting members of a building or structure such as bearing walls, columns, beams, or girders.
43. Yard: An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
44. Yard, rear: A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of a main building toward the nearest part of the rear lot line.
45. Yard, front: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building.
46. Yard, side: A yard between a main building and side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of main building.
- 47* Interior side yard: Any side yard which is not a street side yard.
- 48* Street side yard: A side yard which is immediately contiguous to a public street or other public right-of-way for use as an access route by automobiles.
49. Family day care facility: A facility which provides primarily non-medical supervision, care, therapy and instruction to six (6) or fewer individuals, excluding members of the resident family or persons employed as facility staff on a less than twenty-four (24) hour a day basis; or a "family day care home for children" within the meaning of Health and Safety Code Section 1597.501(b).
50. Family care facility: A facility which provides primarily non-medical twenty-four (24) hour a day resident services to six(6) or fewer individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual; and which is a residential care facility within the meaning of the Community Care Facilities Act (Health and Safety Code Section 1500 et seq.) or is a home for the mentally disordered or otherwise handicapped, or dependent and neglected children within the meaning of Sections 5115 and 5116 of the Welfare and Institutions Code. Facilities which do not fall under these categories or provide services to more than six (6) individuals, excluding members of the resident family or persons employed as facility staff, shall be deemed Residential Care Facilities.
51. Non-residential care facility: A facility which provides supervision, care, or therapy to seven (7) or more individuals, excluding members of the resident family or persons employed as facility staff, on a less than twenty-four a day basis.

*(Ordinance 84-077)

52. Residential care facility: A facility which provides primarily non-medical resident services to seven (7) or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed as facility staff, on a twenty-four (24) hour a day basis.
53. Medical clinic or office: A facility in which substantially all of the services provided constitute the practice of medicine, surgery, dentistry, optometry, podiatry, chiropractic, or similar health services, and such services are rendered on a one-to-one patient to state licensed health professional ratio on an out-patient or less than twenty-four (24) hour a day basis. Facilities in which a significant portion of the services rendered do not meet this definition shall be deemed Non-residential Care Facilities.
54. Major medical care facility: An institution which provides intensive supervision and/or medically supervised treatment to patients who are generally non-ambulatory. This category shall include general and special hospitals, children's treatment centers, extended care facilities for treatment and convalescence, and nursing homes as defined in Health and Safety Code Section 430.12.
55. Recycling plant: A facility which is not a junkyard and in which items such as printed newspapers, magazines, books, and other paper products, glassware, and metal cans and other objects are recycled, reprocessed and treated to return such products to a condition in which they may again be used for writing, printing, filling, or other appropriate purpose.
56. Recycling center: A facility which is not a junkyard and in which items are prepared for recycling in a recycling plant. Such preparation includes the collection, storage and limited processing and repacking by means of flattening, crushing or bundling of items such as newspapers, glassware, and metal cans.
57. Junk: "Junk" means any and all secondhand and used machinery and scrap iron, including automobiles, tools, implements or parts or portions thereof, and any and all secondhand used furniture or other personal property, other than livestock, or parts or portions thereof.
58. Junkyard: "Junkyard" includes any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together and kept.
59. Recreational vehicle: "Recreational vehicle" includes:
Travel trailer - A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses permanently identified as a travel trailer by the manufacturer;

Camper - A structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping travel, recreational and vacation purposes.

Motorized home - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle;

Full tent trailer - A canvas folding structure mounted on wheels and designed for travel and vacation use;

Boats and boat trailers - Including boats, floats, and rafts plus the normal equipment to transport the same on a highway.

(ORDINANCE NO. 3574-4TH SERIES)

60. Notice: Excepting public notice and notice by publication and unless otherwise specified herein, notice means a personal delivery in writing or by mail postage prepaid. Such notice shall be deemed communicated as of mailing. Failure to receive notice shall not affect in any manner the validity of any proceeding thereafter taken.

61. Earth tones: Earth tones are muted shades of gray and muted shades and medium to dark tones of the following colors:

Burnt Umber
Ray Umber
Burnt Sienna
Raw Sienna
Indian Red
English Red
Yellow Ochre
Chrome Green
Terra Verte

(Ord. No. 3581-Fourth Series)

62. Adult bookstores, adult cabarets, adult motion picture theaters, adult arcades, and adult hotels-motels:

- a. Adult bookstore: Adult bookstore is a building or portion thereof used by an establishment having a substantial part of its stock in trade for sale to the public or certain members thereof, books, magazines, and other publications which are distinguished or characterized by their emphasis on matters depicting, describing, or relative to "specified sexual activities" as hereinafter defined; and which establishment restricts admission to such building or portion thereof to adults only.
- b. Adult cabaret: Adult cabaret is a building or portion thereof or area in which a substantial portion of the total presentation time is devoted to the presentation of exhibition or featuring of any or all of the following activities for observation by patrons or customers, and which establishment restricts admission to such building, or portion thereof, or area, to adults only:

- (i) male or female topless or bottomless dancers, male or female impersonators, or similar entertainers;
 - (ii) male or female stripteasers, whether nude or partially clothed;
 - (iii) burlesque-type entertainment, including shows or skits which include topless or bottomless dancing, male or female impersonators, striptease, or similar entertainment. (Ordinance No. 81-016)
- c. Adult motion picture theater: Adult motion picture theater is a building or portion thereof or area, open or enclosed, in which a substantial portion of the total presentation time is devoted to the presentation of motion pictures distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" as hereinafter defined, for observation by patrons or customers; and which establishment restricts admission to such building or portion thereof or area to adults only.
- d. Adult arcade: An adult arcade is a building or portion thereof open or enclosed, wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any time, and where a substantial portion of the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" as hereinafter defined; and which establishment restricts admission to such building or portion thereof to adults only. (Ordinance 83-145, December 6, 1983)

63. Specified sexual activities shall include the following:

- a. Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship or the use of excretory functions in the context of sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or,
- b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or,
- c. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or,
- d. Fondling or touching of nude human genitals, pubic region, buttocks or female breasts; or,
- e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or,

- f. Erotic or lewd touching, fondling or other contact with an animal by a human being; or,
- g. Human excretion, urination, menstration, vaginal or anal irrigation. (Ordinance No. 83-145, December 6, 1983)

*64. Astrology and related practices. The practice of the business or art of astrology, palmistry, phrenology, fortunetelling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, seership, necromancy and other similar practices for which a license is required under Section 46 of the Sacramento City Code, but excluding (1) the sale of books or other literature relating to the practices enumerated above and (2) the teaching of the practices enumerated above.

*65. Massage parlor. A massage parlor is a building or portion thereof or a place where massage is administered for compensation or from which a massage business or service for compensation is operated, provided, however, that a health spa or reducing salon is not a massage parlor. As used herein, "massage" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external surfaces of the body with the hands, or with the aid of any mechanical, electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. Massage administered in a medical office, hospital complex, or medical care facility as an incidental service shall not be deemed to render such office, complex or facility a massage parlor within the meaning of this Ordinance.

*66. Reducing salon - health spa. Reducing salon - health spa is a facility which provides fitness services and facilities including, but not limited to weightrooms, sauna baths, whirlpool baths and exercise equipment. Massages may be offered incidental to such a facility, but a facility where massages are the primary services offered is not a reducing salon or health spa.

67. The following definitions apply to Section 28 of this Ordinance:

- a. Affected community plan area. Affected community plan area shall mean the community plan area within which a building proposed for conversion is located and and other community plan area the boundary of which is located within a quarter mile of the building proposed for conversion.
- b. Association. Association is the organization created to own, lease, manage, maintain, preserve and control the lots, parcels or areas of a project, or any portions thereof or interests therein owned in common by the owners of the separately owned condominium units.

*Ordinance No. 4166-4th Series (effective 1/18/79)

- c. Applicant. Applicant is the owner(s) or subdivider(s) with a controlling interest in the proposed project, and any successors in interest.
- d. Building of similar size. All residential buildings with two (2), three (3), or four (4) dwelling units shall be deemed to be of similar size. All residential buildings with five (5) or more dwelling units shall be deemed to be of similar size.
- e. Comparable housing. See Section 28-C-6-a-iii.
- f. Condominium. Condominium shall mean and include:
 - 1. "Condominium" as defined by Section 783 of the Civil Code;
 - 2. "Community Apartment Project" as defined by Section 11004 of the Business and Professions Code;
 - 3. "Stock Cooperative" as defined by Section 11003.2 of the Business and Professions Code; and,
 - 4. "Planned Development" as defined by Section 11003 of the Business and Professions Code.

The term "condominium" specifically includes, but is not limited to, the conversion of any existing structure for sale pursuant to a method described in subsection (1)-(4) of this subsection.
- g. Condominium Conversion or Conversion. Condominium conversion or conversion shall mean a change in the ownership of a parcel or parcels of property, together with structures thereon, whereby the parcel or parcels and structures previously used as rental units are changed to condominium ownership.
- h. Condominium Project or Project. Condominium project or project shall include the real property and any structures thereon, or any structures to be constructed thereon, which are to be divided into condominium ownership.
- i. Condominium Unit or Unit. Condominium unit or unit shall mean the individual spaces within a condominium project owned as individual estates.
- j. Common Area. Common area is an entire condominium project excepting all units therein.
- k. Eligible Tenant. Eligible tenant shall mean any tenant who was a resident of the project proposed for conversion on the date notice of intent to convert is given, pursuant to Section 28-C-2-a and on the date of approval of the special permit and tentative map for the condominium conversion.

- l. Low Income. Low income, when used by itself or as a modifier or person or household or other term shall mean 80% or less of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household.
- m. Moderate Income. Moderate income, when used by itself or as a modifier of person or household or other term shall mean 81% - 120% of the median income as established annually by the U.S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area within which the proposed conversion project is located as adjusted for the number of members of the household.
- n. Organization Documents. Organizational Documents are Declaration of Covenants, Conditions and Restrictions, Title of Incorporation, by-laws, and any contracts for the maintenance, management, or operation of all or any part of a project.
- o. Residential Condominium Project. Residential condominium project intended for residential occupancy, the conversion of a building used for multiple family rental housing to condominium ownership intended for residential or non-residential occupancy, and the conversion of a non-residential building to condominium ownership intended for residential occupancy.
- p. Special Category. Special category refers to persons or tenants who fall within one or more of the following categories:
 1. elderly, defined as individuals 62 years of age or older;
 2. handicapped or disabled, as defined in Section 50072 of the California Health and Safety Code or Section 223 of the United States Social Security Act, 42 USC 423;
 3. low income, as defined in subsection (l) above;
 4. moderate income, as defined in subsection (m) above
 5. single heads of households residing with one or more minor children.
- q. Unjust Eviction. An unjust eviction is an eviction for other than one or more of the following reasons:
 1. the tenant has failed to pay the rent to which the landlord is entitled;

2. the tenant has violated an obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after receiving written notice thereof from the landlord.

3. the tenant is committing or permitting to exist a nuisance in or is causing damage to, the rental unit or to the appurtenance thereof, or to the common areas of the property containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building.

4. the tenant is using or permitting a rental unit to be used for any illegal purpose.

5. the tenant who had a written lease or rental agreement which terminated on or after the effective date of this provision, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar provisions and in such terms as are not inconsistent with or violative of the provision of this subsection.

6. the tenant has refused the landlord reasonable access to the unit for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgage.

7. the person in possession of the rental unit at the end of a lease term is a subtenant not approved by the landlord.

r. Unreasonable Economic Hardship. Unreasonable economic hardship shall mean a hardship which renders the project economically infeasible and incapable of being accomplished in a successful manner within a reasonable period of time.

s. Unreasonable Rent Increase. Unreasonable rent increases refer to increases in rent that substantially exceed the housing component of the Consumer Price Index on an annualized basis and which cannot otherwise be justified by costs of physical improvements to the building or site, repairs for damage, taxes, or other expenses attributable to the operation of the building, or by changes in the market demand for rental housing. (Amended Ordinance 4305, January 15, 1980)

68. Auto and Trailer Camp: Any lot or parcel or portion thereof where one or more spaces are rented, leased, used, or held out for rent, lease or use to owners or users of recreational vehicles and are occupied for temporary recreational purposes.

69.* The following definitions apply to surface mining operations:

*(Added Ordinance 4428, October 7, 1980)

- (a) "Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.
- (b) "Mined Lands" includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.
- (c) "Minerals" include any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
- (d) "Overburden" shall mean soil, rock, or other minerals that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.
- (e) "Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.
- (f) "Surface mining operations" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) In place distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

70. Old Sacramento: Old Sacramento is the national historical park located in the Sacramento Central City roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east, and I Street and the I Street Bridge on the north.

71. Mobile Home: A structure transportable in one or more sections, designed and equipped for human habitation and to be used with or without a foundation system. Mobile home does not include a recreational vehicle. (Ordinance No. 4433)
72. Mobile home park: Any lot or parcel or portion thereof where one or more mobile home spaces are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. (Ordinance No. 4433)
73. Bicycle Parking Facility: A bicycle parking facility is either a Class I, Class II, or Class III facility as described below:
- a. Class I Bicycle Parking Facilities. A Class I bicycle parking facility is (1) an enclosed box or compartment with a locking door, typically called a bicycle locker, where a single bicyclist has access to a single bicycle storage compartment; or (2) a stationary rack designed to secure the frame and both wheels of a bicycle, where the bicyclist supplies only a padlock, and which is located in an area completely enclosed and covered and where entry is secured by a locking door.
 - b. Class II Bicycle Parking Facilities. A Class II bicycle parking facility is a stationary rack, typically a vertical metal bar or a cement slab, which is designed to support and secure only the front wheel of the bicycle and where the bicyclist supplies both a padlock and a chain or cable to secure the bicycle to the stationary object.
 - c. Class III Bicycle Parking Facilities. A Class III bicycle parking facility is a stationary rack, typically a vertical metal bar or a cement slab, which is designed to support and secure only the front wheel of the bicycle and where the bicyclist supplies both a padlock and a chain or cable to secure the bicycle to the stationary object. (Added Ordinance 81-061, July 7, 1981)
74. Bus and other transit terminals, depots, and passenger stations, public and private. An enclosed building, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts, public and private, which provide transportation services primarily for people, but which may transport freight as an incidental service. This term shall not include bus or other transit passenger stops located within or immediately adjacent to a public right-of-way, and designed with or without a partially enclosed shelter. (Added Ordinance 81-091, September 23, 1981)
75. Bus and other transit vehicle maintenance and storage. A facility providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public or private, providing transportation services primarily for people, but which may transport freight as an incidental service. (Added Ordinance 81-091, September 23, 1981)

76. Halloween Haunted House. The temporary simulation of a haunted house or similar temporary Halloween-related entertainment activity for which an admission fee is charged and which operates more frequently than one day a year. (Added Ordinance 82-078)
77. Rooming and Boarding House. A dwelling, including on-site accessory structures, containing a single dwelling unit in which the house owner or manager resides; and containing not more than five (5) guest rooms; and in which, for compensation, long-term lodging with or without meals is provided. Rooming and Boarding House does not include a Family Care or Residential Care Facility. (Added Ordinance 83-012)
78. Bed and Breakfast Inn. A dwelling, including on-site accessory structures, containing a single dwelling unit in which the inn owner or manager resides; and containing not more than seven (7) guest rooms; and in which, for compensation, temporary night-to-night lodging with or without meals is provided. (Added Ordinance 83-012)
79. Buspool/Shuttle Bus. Sixteen or more preassembled and prepay subscribers commuting on a daily basis to and from work following a relatively fixed route and schedule by means of a vehicle with a seating arrangement designed to carry more than fifteen adult passengers. (Added Ordinance No. 83-039, April 5, 1983)
80. Carpool. Two or more persons commuting on a regular basis to and from work by means of a vehicle with a seating arrangement designed to carry less than eight adult passengers. (Added Ordinance 83-039, April 5, 1983)
81. Ridesharing. Travel by any mode other than the single occupant motor vehicle or public transit including but not limited to carpooling, vanpooling, public or private buspooling, and taxipool. (Added Ordinance 83-039)
82. Second Residential Unit. Either a detached or attached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel of parcels as the primary unit is situated. (Added Ordinance No. 83-075)
83. Taxipool. A type of service which a public or private taxi operator provides daily commuter service for a group of preassembled subscribers on a prepaid or daily-fare basis, following a relatively fixed route and schedule. (Added Ordinance No. 83-039)
84. Transit. Transportation service operated by a public or private agency for use by the general public that utilizes buses or railcars, following a fixed route and schedule with a seating capacity of sixteen or more persons. (Added Ordinance No. 83-039)
85. Vanpool. Eight or more preassembled and prepaid subscribers commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry eight to fifteen adult passengers. (Added Ordinance No. 83-039, April 5, 1983)

86. Outcall Massage Service. Any business or establishment where the primary function of such business is to engage in or carry on massage for pecuniary compensation or consideration, hire or reward not at a fixed location, but at a location designated by the customer or client. (Added Ordinance 83-145, December 6, 1983)
87. Adult-Related Establishment. A bathhouse, escort bureau, massage parlor, out call massage service, modeling studio or sexual encounter center, as defined by this section. "Adult-related establishment" also includes any other business or establishment which has available for or offers any patron, for pecuniary compensation, consideration, hire or reward, services or entertainment or activities which involve "specified sexual activities" or the display of "specified anatomical areas." "Adult-related establishment" does not include an adult bookstore, adult cabaret, adult motion picture theatre, adult arcade, or adult hotel-motel as defined in Section 22-A-55.
- a. Bathhouse. An establishment whose primary business is to provide, for pecuniary compensation, consideration, hire or reward, access to any kind of bath facility, including showers, saunas and hot tubs.
 - b. Escort. A person who, for pecuniary compensation, consideration, hire or reward, (i) accompanies others to or about social affairs, entertainment or places of amusement, or (ii) keeps company with others about any place or public resort or within any private quarters.
 - c. Escort Bureau. A business which, for pecuniary compensation, consideration, hire or reward, furnishes or offers to furnish escorts.
 - d. Figure Model. Any person who, for pecuniary compensation, consideration, hire or reward, poses to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.
 - e. Modeling Studio. "Modeling studio" means a business which provides, for pecuniary compensation, consideration, hire or reward, figure models who, for the purpose of sexual stimulation of patrons, display, "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."

f. Sexual Encounter Center. A business which provides two or more persons, for pecuniary compensation, consideration, hire or reward, with a place to assemble for the purpose of engaging in "specified sexual activities" or displaying "specified anatomical areas". "Sexual encounter center" does not include hotels or motels. (Added Ordinance No. 83-145, December 6, 1983)

88. Specified Anatomical Areas. "Specified Anatomical Areas" shall include:

a. Less than completely and opaquely covered (i) human genitals or pubic region; (ii) buttock; and (iii) female breast below a point immediately above the top of the areola; and,

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Added Ordinance No. 83-145, December 6, 1983)

89. Children's Day Care Facility. A children's day care facility is a facility which provides non-medical care to infants, pre-school or school age children under 18 years of age during a portion of the day.

90. Gymnasium for Children. A gymnasium for children is a gymnasium in which programs or activities are offered which are specifically intended for participation by persons under eighteen (18) years of age. As used herein, gymnasium means a building used for physical exercise or for indoor sports such as basketball, volleyball and gymnastics.

SECTION 23

OPEN SPACE

SECTION 23: OPEN SPACE

A. Purposes: The purpose of these Open Space regulations is:

1. To protect the public health, safety and welfare.
2. To contain and structure urban development.
3. To protect and preserve undeveloped land as a limited and valuable resource.
4. To provide for:
 - a. Managed resource production and preservation.
 - b. Outdoor recreation.
 - c. Public health and safety.
 - d. Visual amenity.

B. Open Space Zones: The following are adopted as open space zones:

1. "A-OS" Agriculture-Open Space
2. "A" Agriculture
3. "F" Flood
4. All other zones to the extent that the developments therein provide for open space as a required or integral design component, such as public facilities (schools, parks) and private facilities (recreation areas, planned unit developments, town-house projects, mineral extraction areas).

C. Special Permits: Notwithstanding Subsection F of Section 2, only the following special uses may be located in the following open space zones, subject to the granting of a special permit by the Planning Commission:

1. "A-OS" Agriculture-Open Space and "A" Agriculture.
 - a. Accessory dwellings for persons employed for agricultural purposes on the subject property.
 - b. Animal kennels and hospitals.
 - c. Animal or poultry slaughtering or processing facilities.
 - d. Outdoor amusement enterprises.
 - e. Livestock feed or sales yards.
 - f. Stands for sale of agricultural products.
 - g. Mineral extraction operations.
 - h. Riding stables.
 - i. Golf courses or driving ranges.
 - j. Public utilities or facilities.
 - k. Wells, gas or oil exploration. (ORDINANCE NO. 3589-4TH SERIES)
2. "F" Flood
 - a. Private boat docks.
 - b. Marinas.
 - c. Outdoor amusement enterprises.
 - d. Outdoor recreation facilities.

- e. Golf Course or Driving Range.
- f. Mineral extraction operations.
- g. Public utility transmission facilities.
- *h. Restaurant facilities.
- *i. Other uses in accordance with Section 23-F.

No special permit shall be issued hereunder unless the Planning Commission first determines that such issuance would be in conformity with the Zoning Ordinance and the adopted City General, Community and Specific Plans as they relate to open space.

- D. Variances: Open space regulations are to be literally and strictly interpreted and enforced to protect the public interest in the preservation and conservation of open space lands and their amenities and the orderly urban development of such lands as required; hence, variances will be granted only in extreme circumstances.
- *E. Buildings in Flood Zone: Notwithstanding any other provisions of this ordinance to the contrary, no building shall be constructed, erected, altered, or enlarged within the "F" zone unless such building either floats or is constructed in such a manner that no usable portion of the building is located below the 100 year flood line.
- *F. Special Developments in the Flood Zone: Notwithstanding other provisions of this ordinance to the contrary, the Planning Commission may grant a special permit for any use or combination of uses within the flood zone along the Sacramento River if the Commission finds that the design, location and nature of the uses are such that:
 - 1. The development will enhance the appearance and public use of the river, and is consistent with adopted specific plans.
 - 2. Development will not have an adverse effect on any natural resources.
 - 3. Development will not have an adverse effect on the use of adjacent property.
 - 4. The development will have direct access to a major or collector street.
 - 5. Development is fully served by all necessary utility services.
 - 6. Adequate off-street parking is provided on the landward side of the levee.
 - 7. Development is consistent with the purposes of the Flood Zone, the Open Space Element of the General Plan, the Sacramento River Parkway Plan, and adopted Specific Plans.
 - 8. The development conforms to the provisions of Section 23-E.

*Ord. No. 4074-Fourth Series (effective 7-8-78)

SECTION 24

AMERICAN RIVER

SECTION 24: AMERICAN RIVER

Division 1. American River Parkway -- Flood Plain

Paragraph 24.01. Establishment - Purpose.

There is hereby created an ARP-F Zone. Property within the ARP-F Zone constitutes a designated floodway likely to be inundated by a flood having a one per cent (1%) per annum chance of occurrence or greater. The provisions of this division are intended to prevent the loss of life and property by prohibiting the erection of improvements or structures. Furthermore, the provisions of this division are intended to protect the natural features of property within the flood plain of the American River to prevent erosion and siltation and to preserve valuable open space in accordance with the provisions of the General Plan.

Paragraph 24.02. Permitted Uses.

The only uses permitted in the ARP-F Zone are agricultural uses (except maintaining, keeping, feeding or raising swine) for which no building or structure is erected upon the premises.

Paragraph 24.03. Same - Special Uses of Section 2 Not Permitted.

The special uses listed in subsection F of section 2 of this ordinance are not authorized in the ARP-F Zone.

Paragraph 24.04. Special Permit Use.

In addition to the uses permitted within the ARP-F Zone pursuant to paragraph 24.02, group camping facilities may be permitted subject to the issuance of a special permit. For purposes of this paragraph "group camping facilities" shall mean temporary use and improvements such as sanitary facilities, firepits, tents and accessory uses. The provisions of this paragraph shall not be construed to permit recreational vehicles, mobile-homes, campers, trailers, and permanent accessory improvements.

Paragraph 24.05. Removal of Natural Features Prohibited.

- (a) Subject to the provisions of this paragraph no person shall remove trees or other natural features which exceed six feet in height.
- (b) No person shall remove topsoil for any purpose other than ordinary and necessary agricultural soil treatment or management such as disking, plowing, irrigation and erosion prevention.
- (c) Notwithstanding subparagraph (a) of this paragraph the planning commission may issue a special permit for the removal of trees and other natural features which exceed six feet in height when it finds:
 - (1) That such removal is necessary for agricultural soil treatment and management;

- (2) That the property owner will otherwise be deprived of reasonable agricultural use of his property; and
- (3) That such removal will not contribute to erosion and siltation within the flood plain.

Paragraph 24.06. Open Space.

The ARP-F Zone is hereby adopted as an open space zone pursuant to the General Plan of the City of Sacramento.

Paragraph 24.07. Nonconforming Uses.

Any use within the ARP-F Zone which does not conform to the regulations of said zone shall be terminated in the manner set forth in section 12 of this ordinance. Provided, however, that the provisions of paragraphs 3, 12 and 13 of subsection (A) of section 12 shall not be applicable to any nonconforming use within the ARP-F zone.

Paragraph 24.08 - Repealed

Division 2 -- PC Designation - American River Parkway Corridor

Paragraph 24.20. Purpose

Since the American River and its adjacent flood plain are situated within an intensively developed urban area, it is necessary to mitigate the potential adverse environmental impacts associated with contiguous urban development. The special development regulations adopted herein shall serve to reduce those impacts which are incompatible with the maintenance of the American River as a natural resource. In addition, the provisions of this division are intended to implement the General Plan and the American River Parkway Plan.

Paragraph 24.20.1. Definition.

For purposes of this division the term "American River Parkway" shall mean all that property within the City of Sacramento zoned ARP-F.

Paragraph 24.21. Applicability of PC Designation.

- (a) The PC designation appearing after a land use classification on the official zoning map indicates that the property so classified is subject to the requirements and restrictions set forth in this division in addition to those of the indicated land use zone (hereinafter referred to as the "underlying zone").
- (b) The PC designation may be applied to all areas of the City for which the council determines that development might have an impact upon the preservation or

enhancement of the scenic, recreational, fishery or wildlife value of the American River Parkway.

- (c) Except for the height limitations contained in paragraph 24.32 and the minimum setback regulation contained in paragraph 24.39 the regulations of this division shall not apply to single family and two-family detached dwellings.

Paragraph 24.22. Permitted Uses.

Except as otherwise provided herein, the uses permitted in the PC Zone are those permitted in the underlying zone.

Paragraph 24.23. Uses Requiring Special Permit.

Notwithstanding provisions of section 2 of this ordinance to the contrary, a special permit shall be required in order to establish any of the following uses within the PC zone:

- (a) Boat building.
- (b) Communication and transmission facilities.
- (c) Contractor's storage yard.
- (d) Drive-in restaurant.
- (e) Earth moving and heavy construction equipment--rental, sales and storage yards.
- (f) Hotels.
- (g) Motels.
- (h) Outdoor assembly, service, testing or repair of engines or motors.
- (i) Public utility yards.
- (j) Restaurant or bar.
- (k) Service stations.
- (l) Truck or tractor repair.
- (m) Wells--gas, oil or water.
- (n) Campgrounds - including recreational vehicle park.
- (o) Sports stadium or complex.

Paragraph 24.24. Same - Conditions.

In granting any special permit, the commission may attach such conditions as it deems necessary to implement the General Plan and the American River Parkway Plan and to protect the scenic, recreational, fishery, and wildlife value of the American River Parkway, including but not limited to the following:

- (a) Requirement of setback and yards greater than the minimum required by this division or by section 3 of this ordinance.
- (b) Requirement of screening of any portion of the use from adjoining premises or from any street by walls, fences, planting or other devices in addition to that required by paragraphs 24.40 and 24.41 of this section.
- (c) Modification of the exterior features or appearance of any structure where necessary to preserve property values.

- (d) Limitation of size and extent of facilities, machine capacity, number of employees or occupants, and method or times of operation.
- (e) Regulation of number, design and location of access drives or other traffic features. .
- (f) Requirement of off-street parking or other special features beyond the minimum required by this ordinance.
- (g) Location, design and capacity of utilities.
- (h) Control of location, number, color, size, height, lighting and landscaping of signs in addition to the requirements of paragraphs 24.36 and 24.37 of this division.
- (i) Maintenance of the grounds, landscaping and irrigation system.
- (j) Regulation of noise, vibration, odors and other similar performance standards.
- (k) A time period within which the proposed use shall be developed plus any specified period for the life of the special permit.
- (l) Phasing of the development plan.
- (m) A bond or deposit of money for the completion of street improvements and other facilities or to guarantee the change or removal of any designated use or structure within a specified period of time to assure faithful performance on the part of the applicant.

Paragraph 24.25. Prohibited Uses.

Notwithstanding any provisions of section 2 of this ordinance and Chapter 3 of the Code to the contrary, the following uses are prohibited in the PC Zone:

- (a) Advertising signs - freestanding, offsite.
- (b) Airport or helistop.
- (c) Outdoor Amusement Centers.
- (d) Reserved.
- (e) Dog kennel with outdoor runs or animal hospital.
- (f) Animal or poultry slaughter.
- (g) Reserved.
- (h) Reserved.
- (i) Cement or clay products manufacturing.
- (j) Concrete batch plant.
- (k) Drive-in theater.
- (l) Hog ranch.
- (m) Junkyard.
- (n) Livestock feed and sales yard.
- (o) Petroleum storage yard or bulk petroleum plant.
- (p) Planing mill.

- (q) Railroad yard or shop.
- (r) Sand or gravel pit or plant, borrow pit, stripping of top soil.
- (s) Trucking terminal yard.
- (t) Transportation terminal.

Paragraph 24.26. Property Development Regulations - in General.

- (a) All regulations of the underlying zone are applicable to the PC zone unless a more restrictive regulation is specifically set forth in this division.
- (b) All provisions of Chapter 3 of the Code are applicable to signs in the PC zone unless a more restrictive regulation is specifically set forth in this division.

Paragraph 24.27. RESERVED.

Paragraph 24.28. Height - Defined.

As used in this division "height" means the vertical distance from the finished grade of a building site to the high point of the building, structure or other improvement.

Paragraph 24.29. High Point - Defined.

As used in this division "high point" means the peak of the roof, mechanical apparatus, lighting stand, sign or other structural feature which extends to the greatest vertical distance above the finished grade of the building site.

Paragraph 24.30. Reference Line Defined.

As used in this division "reference line" means a line which is:

- (a) Parallel to and ten feet landward from the landside toe of the levee or
- (b) The landward boundary of any recorded levee maintenance easement, if such boundary line or portion thereof is farther from the toe of the levee than the line specified in subparagraph (a).

Paragraph 24.31. Reserved.

Paragraph 24.32. Maximum Height.

- (a) The height of any building, structure, sign, pole, lighting standard or other improvement hereafter erected, constructed, altered, enlarged or modified shall not exceed by more than five feet the difference between the elevation of the finished grade of the building site and the elevation of that portion of the levee crown closest to the building site.
- (b) The maximum height permitted pursuant to subparagraph (a) may be increased by one foot for each five feet by which the distance from the building, structure, or improvement to the reference line exceeds 25 feet.

- (c) Notwithstanding any provisions of subparagraph (b) to the contrary the height of any building, structure, sign, pole, lighting stand, or other improvement hereafter erected in a PC Zone shall not exceed the maximum height permitted for the underlying zone or 75 feet whichever is less.

Paragraph 24.33. Bulk.

- (a) The "visible width" of buildings or structures hereafter erected shall not exceed 250 feet.
- (b) As used in this paragraph "visible width" means that distance between two parallel lines which commence at the two opposite corners of that side of the building or structure most nearly parallel to the reference line and run perpendicular to or nearly perpendicular to and intersect said reference line.

Paragraph 24.34. Color and Glare.

- (a) Buildings, structures, signs (except the graphic features thereof) poles, lighting standards and other improvements shall have an exterior surface which is painted in earth tones or finished in one or more of the following materials:
1. Natural Wood
 2. Natural earth toned stone, rock or masonry.
 3. Any other earth tone colored material.
- (b) This paragraph shall not apply to any roof or portion of a roof which is enclosed by a parapet, mansard or other similar architectural feature such that no portion of the roof or ridge line projects above such enclosure.

Paragraph 24.35. Signs.

No sign shall be erected, constructed or maintained except on that portion of a building or structure having public street frontage or that portion of a lot or parcel having public street frontage.

Paragraph 24.36. Minimum Setback.

- (a) No building or structure in the PC zone shall hereafter be erected within 25 feet of the reference line.
- (b) Notwithstanding provisions of subparagraph (a) to the contrary accessory buildings appurtenant to single and two-family residences and not exceeding 500 square feet in floor area may be erected not closer than 15 feet from the reference line.

Paragraph 24.37. Fence or Wall.

For development of any parcel within the PC zone abutting or including within its boundaries the reference line as established pursuant to paragraph 24.30 a six foot

masonry wall or six foot woven wire fence shall be erected in accordance with the standard specifications of the City along said reference line. The provisions of this paragraph shall not be construed to prohibit the installation of gates or any other means of private ingress and egress.

Paragraph 24.38. Same - Tree Planting Strip.

- (a) A tree planting strip at least ten feet wide shall be established and maintained adjacent to the landward side of the fence or masonry wall required by paragraph 24.37.
- (b) The director of recreation and parks shall promulgate regulations listing the native species or related genera appropriate to riparian and flood plain areas of the Sacramento Valley and the size and maturity of such recommended plants. Trees planted within the tree planting strip shall comply with these regulations.

Paragraph 24.39. Exterior Lighting.

All exterior lighting shall be shielded at the source and shall be directed away from the American River Parkway to the greatest degree possible.

Paragraph 24.40. Nonconforming Uses Regulation Inapplicable.

No building structure or other improvement for which a building permit or special permit is issued prior to the effective date of this division, or a use lawfully existing upon such date, shall be subject to the regulation of section 12 of this ordinance solely by noncompliance with the provisions of this division except as provided in paragraph 24.41 of this division.

Paragraph 24.41. Same - Exception - Fence or Wall Required.

Notwithstanding paragraph 24.40 of this division to the contrary, the provisions of paragraphs 24.37 and 24.38 of this division shall be complied with whenever:

- (a) A use is enlarged to occupy a greater area of land;
- (b) A use is moved to a different portion of a lot;
- (c) A use of land or a building or structure has been abandoned for at least one year and subsequently reoccupied, or
- (d) A building or structure which has been damaged or destroyed by more than 50% of its market value is restored.

Paragraph 24.42. Function of Building Division.

The director of building inspections shall forward to the planning director all applications for any of the following permits within the PC zone for purposes of determining compliance with the provisions of this division.

- (a) Building permits for new construction and the exterior alteration of existing buildings or structures, excepting, however, building permits issued for electrical, mechanical and plumbing work regulated under chapter 9 of the Code, and repairs required by law.

- (b) Sign permits for the erection of a sign not otherwise exempt under section 3.140 of the Code.

Paragraph 24.43. Site Plan Review.

In order to insure compliance with the terms of this division those applications forwarded to the planning director pursuant to subparagraph (a) of paragraph 24.42 shall include the following where applicable:

(a) Site plan showing:

- (1) Location of existing and proposed structures, including signs;
- (2) Location of existing trees or natural attributes;
- (3) Location of off-street parking and loading facilities;
- (4) Location of adjacent public rights of way and private easements for ingress and egress if any;
- (5) Location of points of entry and exits for vehicles and internal circulation patterns;
- (6) Location of walls and fences and the indication of their height and material of construction;
- (7) Exterior lighting standards and devices; and
- (8) Finished grade elevation of the site and at the building.

(b) Preliminary landscaping plan;

(c) Color, materials, and texture palette;

(d) Drawings indicating the location, size, color, shape, and type of illumination of each proposed sign;

(e) Four elevations to include all sides of the development;

(f) Any other material which the director may require to evaluate any application subject to the provisions of this division.

Paragraph 24.44. Relation to Public Easements.

The provisions of this division shall not be construed to conflict with or regulate any easements held by public agencies for flood control, flowage or other regulation of the American River.

Paragraph 24.45. Administrative Regulations.

The director shall have the authority to promulgate standards and guidelines to implement the provisions of this division. Such standards and guidelines shall be written and shall be made available to any applicant subject to the provisions of this division. This paragraph shall not be construed to permit the variation of the specific terms of this division.

SECTION 25

APPLICATIONS

SECTION 25: APPLICATIONS

Paragraph 25.01. Application.

- a. All applications for entitlements described in this Ordinance shall be in writing and shall be filed in the office of the Director upon forms provided by the City.
- b. Prior to the filing of an application any person may submit a pre-application request for initial staff comments concerning a proposed project. Upon receipt of a pre-application, Planning Staff may provide preliminary review indicating to the potential applicant the information which may be requested as part of the application and staff comments concerning the extent to which the proposed project would conform to applicable laws, plans and policies. After filing a pre-application request for a project, the applicant shall not file an application for the project for at least seven days thereafter or until the Planning Staff has returned the pre-application with comments, whichever occurs earlier.
- c. Each application shall be accompanied by appropriate fees, plans, specifications and other information required by the Director or the Environmental Coordinator. Any application relating to the use of a specific parcel of property shall include a description of the present use and all existing trees and other natural features. The Commission or Council may, by resolution, specify information to be included with applications for particular types of projects.

Paragraph 25.02. Acceptance of Applications.

- a. No application shall be deemed to be accepted as complete until the Director has determined that all required information has been provided and the application is certified as complete pursuant to this section.
- b. Any application for any project for which the Environmental Coordinator has determined that there is a categorical exemption pursuant to the California Environmental Quality Act shall be deemed to be certified as complete if, within ten days after the submittal of an application and payment of fees, the Director has not determined that additional information is necessary and has provided, or has attempted to provide, written notice to the applicant of the requirement for such additional information.
- c. Within 30 days after the submittal of an application and payment of all initial filing fees, the Director and the Environmental Coordinator shall determine if additional information is necessary and shall provide, or attempt to provide, written notice to the applicant of the requirement for such additional information or shall inform the applicant that the application is complete.
- d. No application shall be certified as complete while an appeal of any decision by the Commission, Director of the Environmental Coordinator related to the project is pending. The time limits established pursuant to paragraphs (b) and (c) of this section shall be suspended from the date upon which such appeal is filed to the date eleven days after a final decision is made on the appeal.

Paragraph 25-03. Requests for Further Information - Withdrawal of Application.

- a. If the Director determines that further information is required, he shall so inform the applicant specifying the information requested.
- b. An applicant shall provide requested information to the Director within thirty days after such information has been requested unless a different time period has been mutually agreed to between the applicant and the Director. After an application has been certified as complete, the Planning Director shall not extend the period beyond the thirty-day period unless the applicant agrees to waive or extend the one-year time limit provided by Government Code #65950 for the number of days that the information period is extended beyond 30 days.
- c. Any application shall be deemed withdrawn and all filing fees forfeited if the information requested has not been provided within the time specified in subsection (a) above; provided, however, that within five days of such action, the applicant may appeal to the Commission.
- d. The Commission may grant an extension of time if it determines there are unusual circumstances, not the fault of the applicant, which have for information precluded timely compliance with the request.
- e. The Commission may relieve an applicant from providing information requested by the Director if it determines that the information is not necessary or relevant to the decisions to be made and issues to be considered by the City with respect to the project.
- f. If an applicant has provided information responding to a request pursuant to this section and the Director has not requested further information or determined the information to be otherwise unsatisfactory within twenty days after receipt of the information the application shall be deemed to be certified as complete.
- g. At any time after an application has been certified as complete, the Director may request further information pursuant to this section based upon any change in the project, any change in the circumstances applicable to the project or if so directed by the Commission, Council, or any other governmental body having jurisdiction by law over the project. The foregoing application withdrawal provisions shall also apply to requests for information pursuant to this section.

Paragraph 25.04. Decisions - Denial for Inadequate Information.

Notwithstanding any other provision of this Ordinance to the contrary, it shall be the responsibility of the applicant to insure that the decision-making authorities receive all information relevant to their decisions. If a decision-making authority determines that it lacks sufficient information with respect to any aspect of a project over which it has jurisdiction, such project application shall be denied; provided, however, that the action may be continued if the applicant agrees in writing to provide such information and to waive any time limit within which the project application must be acted upon by the City, and to waive any limitations on the City's authority to require additional information.

Paragraph 25.05. Waivers.

The provisions of paragraphs 25.01(c), 25.02 and 25.04 shall not apply to any project application for which the applicant waives in writing all applicable provisions of law establishing limits upon the City's authority to request further information or which require the City to act on the project application within a specified period of time.

Section 25.06: FEES

- a. Each applicant shall pay in advance an initial filing fee as established in the City fee resolution. The initial filing fee shall include a staff processing charge and, if applicable, Planning Commission and City Council hearing dues. In the event that the actual cost of processing an application exceeds the staff processing component of the initial filing fee, the applicant shall pay an additional fee equal to this excess cost after receipt of written notice from the Planning Director specifying the additional amount due.
- b. The Planning Director, in his or her sole discretion, may waive or reduce: 1) any fee or charge required for residential developments assisted by the Federal or State Governments or by a local public entity, as defined in Section 50079 of the Health and Safety Code, or other residential developments intended for occupancy by persons and families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008(c) of the Government Code; and 2) any additional fee if the Director believes that the project proposes unique or innovative design features likely to be incorporated in future projects, and that staff time spent evaluating this application will benefit staff processing of such future projects.
- c. An applicant shall have no right to file an appeal with either the Planning Commission or the City Council on the issue or the amount of propriety of any fee.
- d. An application shall be deemed withdrawn when an applicant has received written notice that an additional fee is due, and has not paid the full amount of such additional fee prior to noon of the first Planning Commission or City Council hearing date scheduled for the application following the applicant's receipt of written notice that the additional fee is due.

SECTION 26

FLOOD INSURANCE DAMAGE PROTECTION

*SECTION 26: FLOOD INSURANCE DAMAGE PROTECTION

Paragraph 26.05. Findings of Fact.

The Council of the City of Sacramento hereby finds and declares as follows:

- a. The flood hazard areas of the City of Sacramento are subject to one percent (1%) chance occurrence in any one year of flooding which results in loss of life, in property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by: (1) the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, (2) the occupancy in flood-hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.
- c. The ordinance relies upon a reasonable process for analyzing the flood hazard affecting specific lands. The regulatory flood selected for this ordinance is reasonably characteristic of what can be expected to occur on the particular creeks. It is in the general order of a flood which could be expected to occur on the average once every 100 years or has a one percent (1%) change of occurrence in any one year.
- d. The official flood identification maps adopted as part of this ordinance shall be that provided to the City by the Federal Insurance Administration in its Flood Insurance Study dated March 1978, as amended. The map delineates those areas determined to be subject to flooding based upon evidence of past flood events, and provided elevation data pertinent to the 100-year flood, or that which has a one percent (1%) chance occurrence in any one year.
- e. The City of Sacramento can eliminate or reduce flood losses by regulating building construction and land use within flood hazard areas.
- f. It is the purpose of the ordinance to promote the public health, safety, or general welfare and to minimize by provisions designed to:
 1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or cause excessive increases in flood heights.
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- g. The objectives of this ordinance are:
 1. To minimize expenditure of public money for costly flood control projects;
 2. To minimize prolonged business interruptions;

*Section added by ORDINANCE NO. 4130-4th Series

3. To help maintain sound use and development of flood-prone areas in such a manner to minimize future flood blight areas; and
 4. To insure that potential home buyers are notified that property is in a flood area.
- h. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This ordinance does not imply that areas outside the general flood plain district boundaries or land uses permitted within such district will be free from flooding or flood damages.

Paragraph 26.10. FW Floodway Overlay Zone.

- a. The FW designation appearing after a land use classification on the official zoning map or the W designation appearing after the ARP-F or F land use classifications shall mean that the property so classified is subject to the requirements and restrictions set forth in this paragraph in addition to those of the indicated land use zone ("underlying zone").
- b. The FW designation shall be applied to all areas of the City which are indicated on the United States Flood Insurance Administration Flood Boundary and Floodway Map for the City of Sacramento (which is hereby incorporated by this reference as part of this ordinance as if fully set forth) as being within a designated floodway.
- c. Within the FW zone, no building permit or entitlement shall be issued, nor shall any structure be erected unless certification is provided to the Director of Building Inspection from a registered professional engineer that said development will not increase the level of the base flood, and that the requirements of Section 26.15 are satisfied. (Amended Ordinance 82-014, March 4, 1982)

Paragraph 26.15. FF Floodway Fringe Overlay Zone.

- a. The FF designation appearing after a land use classification on the official zoning map or the F designation appearing after the ARP-F or F classifications shall mean that the property so designated is subject to the requirements and restrictions set forth in this paragraph in addition to those of the indicated land use zone (underlying zone).
- b. The FF designation shall be applied to all areas of the City shown on the United States Flood Insurance Rate Map (FIRM) for the City of Sacramento (which are by this reference incorporated as a part of this ordinance as though fully set forth herein) as being within the area subject to at least a one percent (1%) change of flooding in any one year and which lie outside a designated floodway.
- c. In those areas within the FF zone where a regulatory floodway is not designated on the Flood Boundary and Floodway Map, no building permit or other entitlement shall be issued nor shall any structure be erected unless certification is provided to the Director of Building Inspections from registered professional engineer that the cumulative effect of the proposed development when combined

with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- d. Within the FF zone, residential structures shall have the lowest floor (including basement) elevated a minimum of one foot (1') above the base flood level as specified in the FIRM and United States Flood Insurance Rate Study for the City of Sacramento (which by this reference are hereby incorporated as part of this Ordinance as though fully set forth).
- e. Non-residential structures shall meet the requirements set forth in subsection (d) above or be adequately floodproofed below the base flood level. If floodproofing is proposed, a registered professional engineer shall provide to the Director of Building Inspections calculations certifying the hydrostatic forces, velocities, uplift, etc. have been designed for.
- f. New mobile home parks, mobile home subdivisions or expansion thereof, new mobile homes not in a mobile home park, and existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced and which are located within the FF zone shall meet the requirements set forth in subsection (d) above and all of the following requirements:
 1. Adequate surface drainage shall be included and access for a hauler shall be provided,
 2. That in the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than 10 feet apart and steel reinforcement is provided for piers more than six feet high; and
 3. The following specific anchoring standards are met:
 - a. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.
 - c. All components of the anchoring system be capable of carrying a force of 4800 pounds.
 - d. Any addition to mobile homes be similarly anchored.
- g. No building permit shall be issued within the FF zone unless satisfactory evidence has been provided to the City Engineer that new or replacement public and onsite utilities and facilities are located and constructed to minimize or eliminate flood damage and infiltration.

- h. No building permit shall be issued for a project within the FF zone unless satisfactory evidence is provided to the Director of Building Inspections that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

Paragraph 26.20. Variances.

In addition to the requirements of Section 14 of this ordinance, no variances from the provisions of this section shall be granted unless the Planning Director or the Planning Commission finds that:

- a. Failure to grant the variance would result in exceptional hardship to the applicant,
- b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing law or ordinances, and
- c. The variance is the minimum necessary, considering the flood hazard, to afford relief.

Paragraph 26.25. Variances - Notice.

The Planning Director shall notify in writing each applicant for a variance from any provisions of this section that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage and that such construction below the base flood level increases risks to life and property.

Paragraph 26.30. Application Information.

Applicants for permits regulated by this section shall provide certification by a registered professional engineer that all structures conform to base flood elevation requirements and that floodproofing plans are adequate to be watertight with walls impermeable to the passage of water and withstand the hydrostatic and hydrodynamic forces associated with the base flood.

Paragraph 26.35. Actions by City.

- a. The Director of Building Inspections shall maintain records of elevations and floodproofing measures taken for all new or substantially improved structures for a reasonable period of time.
- b. Prior to approving any project in a riverine situation which will result in alteration or relocation of a watercourse, the City Engineer shall provide notice of the proposed action to adjacent cities or counties which are directly affected and to the State Coordinating Office. A copy of such notification shall be submitted to the Federal Flood Insurance Administrator.

- c. The City shall not approve any project which does not assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

Paragraph 26.40. Interpretation.

- a. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements necessary to protect against loss of life and property due to flooding.
- b. For property designated on the FIRM as being in the A zone, and whenever otherwise necessary in applying and interpreting the provisions of this section, the City shall utilize any relevant base flood elevation data and program materials provided to the City by other government agencies.
- c. The City Engineer may provide advisory assistance to the Planning Director and the Director of Building Inspections respecting their decisions and interpretations of this section.
- d. The decisions and interpretations of the Director of Building Inspections pursuant to this section shall constitute code interpretation which are appealable to the Construction Codes Advisory and Appeals Board pursuant to Section 9.576 of the City Code.

Paragraph 26.45. Federal Regulations Take Precedence.

This ordinance is adopted pursuant to Part 1910.3 of Title 24 of the Code of Federal Regulations. The provisions of the federal National Flood Insurance Administration Regulation, Chapter X of Title 24 of the Code of Federal Regulations, Parts 1909 to 1925, are by this reference incorporated herein as though fully set forth. In the event of any conflict between the provisions of this section or other City ordinances and the provisions of the federal regulations, the federal regulations shall take precedence.

Paragraph 26.50. Fees.

In addition to any other fees required, an applicant for a building permit within the FW or FF zones shall pay an additional filing and investigation fee of \$20.00.

SECTION 27

INTERSTATE 5 CORRIDOR OVERLAY ZONE

SECTION 27: I-5 DESIGNATION - INTERSTATE 5 CORRIDOR OVERLAY ZONE

Paragraph 27.10 Purpose.

The Interstate 5 freeway is the primary entrance way to the City of Sacramento from the Sacramento Metropolitan Airport and from all areas north of Sacramento. When surrounded by agricultural fields, the Interstate 5 freeway offers an attractive entrance to the City of Sacramento. Contiguous urban development adjacent to the freeway will present potentially adverse environmental impacts including noise pollution and air pollution for residents of those areas adjacent to the freeway and an adverse aesthetic impact upon the users of the freeway due to the loss of the agricultural lands and open space.

Special development regulations adopted herein will serve to reduce those impacts and implement the General Plan and the South Natomas Community Plan.

Paragraph 27.20. Applicability of I-5 Designation.

The I-5 designation appearing after a land use classification on the official zoning map indicates that the property so classified is subject to the requirements and restrictions set forth in this section in addition to those indicated in the land use zone (underlying zone).

The I-5 designation may be applied to all areas of the City for which the Council determines that development might have an impact upon or be impacted by the Interstate 5 freeway.

Paragraph 27.30. Special Permit Required.

Notwithstanding any provision of Section 2 of this Ordinance to the contrary, a special permit shall be required in order to establish any use within the I-5 zone which is not a permitted use in the A zone. Within the I-5 zone, the Planning Commission may issue a special permit for any use which is permitted in the underlying zone if it finds that the standards and criteria of Section 15 of this Ordinance are met, and that the proposed development satisfactorily mitigates or avoids any adverse impact of air pollution, noise pollution or aesthetics related to the I-5 freeway.

Paragraph 27.40. Conditions.

In addition to the authority for conditions contained in subsection B of Section 15 of this Ordinance, in granting any special permit, the Commission may attach such conditions as it deems necessary to implement the General Plan or the South Natomas Community Plan and to mitigate or avoid any significant adverse environmental impacts, including but not limited to all conditions set forth in paragraph 24.24 of Section 24 of this Ordinance.

Ordinance No. 4062 - 4th Series (Effective 6/1/78)

SECTION 28

CONDOMINIUMS

Section 28. Condominiums

A. Purpose and Objectives. Ordinance No. 4329

The City Council finds it necessary to establish requirements and procedures for the control and approval of residential condominium new construction and residential condominium conversions. By their unique character and requirements, condominium and condominium conversion projects differ specifically from other subdivisions and apartments. The unique status of such projects tend to magnify the effects associated with higher urban densities to the point where they may lead to conditions of mismanagement, neglect, and blight that impact upon the public health, safety, welfare and economic prosperity of the City of Sacramento. Such projects may conflict with the policies of the City of Sacramento to provide a reasonable balance of rental and ownership housing within the City and within the City's neighborhoods, to provide a variety of individual choice of tenure, type, price and location of housing, and to insure an adequate supply of rental housing for low and moderate income persons and families. It is also recognized, however, that such projects may benefit the City by providing a source of low and moderate income ownership housing. To insure that the problems are avoided in both the short and long term, while maximizing the benefits of such projects, it is the express intent of the City of Sacramento to treat such projects differently from the multiple-family dwellings or other structures which are not condominium new construction and condominium conversion projects in the City of Sacramento. This Section is intended to apply only to residential condominium projects, both new construction and conversions, and to insure such projects are approved consistent with policies and objectives of the City of Sacramento, particularly the following:

1. To make adequate provision for the housing needs of all economic segments of the community;
2. To facilitate inhabitant ownership of residential units, while recognizing the need and providing for a reasonable balance of rental and ownership housing;
3. To help mitigate the impact of eviction for residents of rental units as a result of their units being converted to condominiums;

4. To inform existing tenants and prospective condominium purchasers of the construction or conversion applications, its overall impacts, and the physical conditions of the structure offered for purchase; and,

5. To insure that new units being constructed and rental units being converted to condominiums meet the reasonable physical standards as required by this section and all other Sacramento City Code provisions.

B. General Requirements; Special Permit Required; Hearing; Determination of Vacancy Rate. Ordinance No. 4305, Amended Ordinance No. 4354

1. No condominium conversion and no new condominium construction shall be permitted in any zoning district unless the same is permitted in such district pursuant to the provisions of Section 2 of this ordinance and until a special permit therefor has been applied for and issued in accordance with the provisions of this Section and Section 15 of this ordinance.

2. The provisions of Section 15 of this ordinance shall apply to applications for special permits for condominium conversions and new condominium construction, and the provisions set forth in this Section, including without limitation, those relating to notice requirements, applications, development standards, and findings, shall apply in addition to the provisions of Section 15; provided, that if a provision of this Section directly conflicts with a provision of Section 15 of this ordinance, the provision of this Section shall prevail.

3. Notwithstanding the provisions of Section 15-C-3-a of this ordinance, at least one public hearing shall be held on application for a special permit for a condominium conversion under subsection C of this Section by each the Planning Commission and City Council. The hearing by the City Council shall be noticed and held in accordance with all applicable requirements of this Section and Section 15 of this ordinance which govern the Planning Commission's consideration of the special permit.

The City Council shall adopt by resolution special application and procedure regulations to govern the processing of special permit applications under subsection C of this Section to provide for one hearing date per year, or per other designated period, at which to consider all then pending applications.

4. Ordinance No. 4354. The City shall determine and make public, on an annual basis, the average rental vacancy rate in each community plan area in accordance with the method for determining vacancy rates established by the City Council by resolution. The applicable City-determined vacancy rates shall be submitted to and considered by the City Planning Commission and

City Council in connection with the review of applications for special permits for condominium conversion projects under this Section; provided, that at any hearing wherein such an application is considered, the applicant or any other person may present evidence concerning the accuracy of the vacancy rate as determined by the City, or as contended by the applicant, and the City Planning Commission and City Council may consider but shall not be bound by such evidence when considering the application.

C. Condominium Conversions.

1. Special Permit Application. Ordinance No. 4305

Recognizing that the conversion of existing structures which have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a special permit for a condominium conversion project shall include the following information in addition to that required by Section 15 of this ordinance.

(a) A boundary map drawn to scale showing the location of all existing easements, structures, existing trees and other improvements on the property;

(b) The proposed organizational documents, including the Covenants, Conditions and Restrictions to be recorded pursuant to Section 1350 et seq. of the Civil Code. The organizational documents shall provide for the following:

(i) Transfer of title to each unit;

(ii) Assignment of parking for each owner;

(iii) The management of common areas within the projects;

(iv) A proposed annual operating budget, including a report disclosing the amount of deposit to be provided by the developer and the manner in which it was calculated, to defray expenses of the association in replacing and maintaining major mechanical and electrical equipment;

(v) The FHA Regulatory Agreement, if any;

(vi) The antidiscrimination provisions set forth in subsection C-5-(e) of this Section.

(c) A property report. The property report shall describe the condition and estimate the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, sewage systems, sprinkler systems for

landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including any automatic sprinkler systems, alarm systems, or standpipe systems, and structural elements. The property report shall include a structural pest control report.

The property owner shall state what the Sound Transmission Class and Sound Impact Class of the existing floor-to-ceiling and wall-to-wall assemblies of each unit are. The report shall also explain, in lay terms, what the class ratings mean and state what measure, if any, the applicant will take to improve sound attenuation between units.

The property report shall list each such appliance to be contained in each or any unit offered for sale and shall state whether the appliance is or will be new or used when the unit is first offered for sale. The report shall also state the terms and nature of the warranty offered by the applicant on each such appliance.

Each portion of the property report shall be prepared by an appropriately licensed engineer, except that the structural pest control portion of the property report shall be prepared by a licensed structural pest control operator in compliance with Chapter 14 of Division 13 of the California Business and Professions Code.

(d) A building history report including the following:

(i) The date of construction of all elements of the project;

(ii) a statement of the major uses of said project since construction;

(iii) the date and description of each major repair of any element since the date of construction. A "major repair" is any repair requiring an expenditure of \$1,000 or more;

(iv) the date and description of each major renovation of any element since the date of construction. A "major renovation" is any renovation requiring an expenditure of \$1,000 or more;

(v) the name and address of the current owner(s) of all improvements and the underlying land.

(e) A report identifying all characteristics of the building not in compliance with this ordinance or applicable building or housing codes.

(f) A statement as to whether the applicant will provide any capital contribution to the Association for deferred maintenance of the common areas, the sum of the contribution, and date on which the Association will receive the sum.

(g) A rental history report detailing the size, in square footage, of the building or buildings and each unit; the current or last rental rate; the name and address of each present tenant; the monthly rental rate for the preceding three (3) years for each unit; the average monthly vacancy over the preceding three (3) years; the number of evictions over the preceding three (3) years; and the number and type of special category tenants for each unit presently residing in the project and over the preceding three (3) years.

(h) The information required by (c), (d), (e), (f), and (g) above, may be combined into and submitted as one report. Failure to provide any information required by (c), (d), (e), (f), and (g), above, shall be accompanied by an affidavit or declaration given under penalty of perjury, setting forth in detail all efforts undertaken to discover the information and all reasons why the information could not be obtained.

(i) A detailed report describing the relocation assistance to be given to each eligible tenant and the availability of comparable replacement housing for each eligible tenant. Comparable replacement housing shall be as defined in Section 28-C-6-(a)(iii).

(j) A detailed report describing the methods by which the applicant shall comply with the provisions of subsection C-5-(a), Sales and Lease Program for Qualified Low and Moderate Income Tenants. The description shall include, where applicable, the appraised apartment market value of the project and each unit. This description shall be supported by an affidavit or declaration under penalty of perjury as to its truth and accuracy.

(k) A survey of all the tenants in the conversion project indicating how long each tenant had been a resident of the project, why each tenant moved into the project, how long each tenant had planned to live in the project, whether or not each tenant would be interested in purchasing a unit within the price range estimated for the project, where each tenant would relocate if the conversion took place and the tenant did not purchase a unit, and the extent of tenant approval in principle of the conversion.

To comply with this provision the applicant shall provide a questionnaire, in a form approved by City, to each tenant with an envelope, postage prepaid, addressed to the City Planning Department. The questionnaire shall direct the tenant to return the completed form directly to the City Planning Department.

(l) In addition to the information required in (a) through (k) of this subsection, the City Council, City Planning Commission, or planning director may require additional information necessary to evaluate said conversion project in order to make proper findings in accordance with the purposes and objectives set forth in this subsection A of this Section, and as required by subsection C-6 of this Section, the adopted City General Plan, or any specific or community plan or element thereof in effect at the time of such application. Such information may include, but shall not be limited to:

(i) An economic report comparing the units in the conversion project, as both rentals and owners units, with housing available within the community plan areas affected by the project;

(ii) An economic report on proposed project unit costs, monthly association costs, and comparative rates City-wide;

(iii) An economic report on availability of comparable rental units at similar rental rates remaining within the affected community plan areas, including vacancy rate information;

(iv) A report outlining the available low and moderate income housing units (rental and sales housing) within the affected community plan areas;

(v) A report on the feasibility of providing all or a portion of the conversion units for sale to low and moderate income individuals or families;

(vi) A report on the feasibility of not converting a portion of the total units in order to retain them for rental occupancy;

(vii) Any additional information considered reasonable in determining housing needs, housing availability, costs, and housing impacts of the proposed conversion.

(m) The application for a special permit made pursuant to this subsection C shall be accompanied by a fee as established by resolution of the City Council.

2. Notices

(a) Notice of Intent to Convert.

At least 60 days prior to filing an application for a special permit for a condominium conversion pursuant to this Section or for a tentative subdivision map to convert an existing

residential building into condominium ownership, the applicant shall notify all the tenants of the project, the City of Sacramento, and the local Project Area Committees, if any, of the intended conversion. The notification shall include the following:

(i) A general description of the proposed project;

(ii) The name of the current owner and applicant and where such person or persons can be contacted;

(iii) The anticipated schedule of approval and conversion;

(iv) A detailed description of the applicant's plans for relocation of tenants, relocation assistance, compliance with the sales and lease program for qualified low and moderate income tenants, and limitations on rent increases;

(v) Notification of the tenant's rights to receive notice of hearings in the following form:

"To the occupants of _____ :

The owner(s) of this building, at _____
(address)

plans to file a tentative map with the City of Sacramento to convert this building to a condominium. You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.2 of the Government Code, and you have the right to appear and the right to be heard at such hearing.

Signature of owners or owner's agent

(Date)"

(vi) Notification of the tenants' right to purchase the unit they are renting; to receive notice of intention to convert prior to termination of tenancy due to the conversion, and to receive notice of final approval of the application within ten (10) days of approval of the final map.

(vii) Notification that the tenants will be given ten (10) days written notice that an application for a public report has been or will be submitted to the Department of Real Estate and that such report will be available on request.

The notice must be written in nontechnical language comprehensible to all tenants of the building.

(b) Notice of hearings on Special Permit; Planning Commission.

In addition to the notice provisions of Section 15 of this ordinance, notice of the time, date and place that the application for a conversion special permit pursuant to this Section is to be heard by the Planning Commission shall be mailed by the Planning Director to the tenant of each unit proposed to be converted to condominium ownership. The notice shall be provided at least ten (10) but no greater than thirty (30) days before the hearing date, and the notice shall include the following information:

(i) The time, date and place of the hearing on the application;

(ii) A general description of the proposed project in nontechnical language;

(iii) The location and time at which tenants and other interested persons may review the Planning Department staff report on the application and the materials submitted with the application pursuant to subsection C-1 of this Section.

(iv) That the tenants shall have the right to appear at the hearing and be heard;

(c) Application to be made available for inspection.

(i) The applicant shall make available for public inspection the materials submitted with the application for the special permit pursuant to subsection C-1 of this Section and the tentative map at the Sacramento Central Library and branch library nearest to the project site and on the project site itself, in the project manager's office or the central office.

(ii) The Planning Director shall serve on the applicant and each tenant of the subject property a copy of staff's report and recommendation on the application at least three (3) days prior to the hearing or action on the application by the commission.

(d) Notice of Hearing on Special Permit; City Council.

The provisions of subsection C-2-(b) and (c) of the Section shall apply to hearings held by the City Council on conversion special permits pursuant to this Section.

In addition to the notice of provisions of Section 15 of this ordinance, the applicant shall provide notice of time, date and place that the application for a conversion special permit pursuant to this Section is to be heard by the Planning Commission to the tenant of each unit proposed to be converted to condominium ownership. Notice shall be personally delivered to each tenant or shall be mailed, postage prepaid, by certified or registered mail, return receipt requested. The notice shall be provided at least fifteen (15) but no greater than thirty (30) days before the hearing date, and the notice shall include the following information:

(i) The time, date and place of the hearing on the application;

(ii) A general description of the proposed project in nontechnical language;

(iii) The location and time at which tenants and other interested persons may review the Planning Department staff report on the application and the materials submitted with the application pursuant to subsection C-1 of this Section.

The applicant shall make available for public inspection the materials submitted with the application for the special permit pursuant to subsection C-1 of this Section and the tentative map at the Sacramento Central Library and branch library nearest to the project site and on the project site itself, in the project manager's office or the central office.

Evidence satisfactory to the planning director of compliance with the provisions of this subsection (b) shall be submitted prior to the special permit hearing before the Planning Commission. In the event the hearing before the Planning Commission for which the notice has been provided pursuant to this subsection is, for any reason, not held or is continued to another date, the applicant shall provide notice as required by this paragraph of the new hearing, unless specifically waived by the Commission.

(c) Notice of Hearing on Special Permit; City Council.

The provisions of subsection C-2-(b) of this Section shall apply to hearing held by the City Council on conversion special permits pursuant to this Section.

3. Development Standards. Ordinance No. 4305

The following development standards shall apply to all applications for a special permit for a condominium conversion:

(a) Off-Street Parking. Notwithstanding the provisions of Section 6 of this ordinance, off-street parking shall be provided at a ratio of not less than one parking space per dwelling unit. The dimensions, location and use of such parking shall be subject to provisions of Section 6 of this ordinance.

(b) Utilities.

(i) Sewer: Each condominium unit shall have a separate sewer service hookup; provided, that the City Council may permit the use of common sewer lines that are oversized by one size or more, or which are hydraulically designed with a 100% safety factor, where the Council with the concurrence of the City Engineer, finds the common sewer lines can adequately service the condominiums.

(ii) Water: Each condominium unit shall have a separate water service hookup or shutoff; provided, that the City Council may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practical and where the Council, with the concurrence of the City Engineer, finds the single water system can adequately service the condominiums.

(iii) Gas: Each condominium unit shall have a separate gas service where gas is a necessary utility.

(iv) Electricity: Each condominium unit shall have a separate electrical service, with separate meters and disconnects, and ground fault interrupters where ground fault interrupters are required by present building codes.

(c) Sound Attenuation.

Floor-to-ceiling and wall-to-wall assemblies between each condominium unit must meet Sound Transmission and Sound Impact Classes of 50 lab test, or 45 field test, as prescribed in the Uniform Building Code for new construction.

(d) Fire Safety. Amended Ordinance No. 82-070

It is the purpose of this development standard to provide safety to occupants of condominium units and to protect the investment in real property represented by the ownership interest of each condominium owner. Each condominium unit shall have a smoke detection system and either a two-hour fire

separation on its floors and each wall common to itself and an adjacent unit or an automatic fire sprinkler system. In lieu of two-hour fire separation or automatic fire sprinkler system requirement, the City Council may permit, with the concurrence of the Fire Chief, the use of another fire protection system where it finds the proposed system will protect the occupants of and the owner's investment in the condominium as effectively as a two-hour fire separation or automatic fire sprinkler system. Nothing in this subsection (d) shall apply to a limited equity housing cooperative, as defined by Business and Processions Code Section 11003.4.

(e) Ownership Association. Ordinance No. 4305

All condominium conversion projects shall provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the condominium owners. Complete and true copies of all Covenants, Conditions, and Restrictions, articles of incorporation, and by-laws shall be subject to review and approval by the City prior to occupancy as a condominium project. The City of Sacramento may be made a thirt party beneficiary to all or any portion of the Covenants, Conditions, and Restrictions, as deemed appropriate.

(f) Building Code Requirements. Ordinance No. 4305

A building proposed for conversion, and each unit within the buildings, shall comply at a minimum with all applicable building code standards in effect at the time of the last alteration, repair, relocation, or reconstruction of the buildings, necessitating compliance with the building code, or, if none, at the time of first construction; and shall comply with current provisions of the City Housing Code, Chapter 49 of the Sacramento City Code. Nothing herein shall be construed to prevent or prohibit the applicant or theCity from providing or requiring building standards greater than those set forth in the building code where the greater standards are found to be necessary to carry out the purposes and objectives of the Section.

(g) Any other standards the Council may adopt by resolution.

(h) No building shall be permitted to be converted to condominium ownership unless the building was constructed and subject to a building permit issued under the provisions of the 1952 Uniform Building Code, or subsequently adopted Uniform Building Code.

(i) No building constructed after the effective date of Ordinance No. 4305, Fourth Series, shall be permitted to be converted to condominium ownership unless the building was constructed in full compliance with all applicable building codes and the development standards contained in subsection D-2 of this

Section, applicable to new condominium construction, in effect at the time of the last alteration, repair, relocation, or reconstruction of the building, or, if none, at the time of first construction.

4. Building Inspection. Ordinance No. 4305

(a) After reviewing the property report required pursuant to subsection C-1-(c) of this Section and after inspecting the structure within the project when deemed necessary, the Director of the Building Inspections Division shall identify and make available to the Planning Commission and City Council all items evidenced by such reports or inspection to be in noncompliance with applicable building and housing codes or to be hazardous to the life, health or safety of an occupant of the units within the project or the general public. A special permit for a conversion shall require all such items to be corrected to the satisfaction of the Director of Building Inspections Division.

(b) If the proposed project does not comply with the provisions of subsections C-3-(b), (c), (d), or (f) of this Section relating to utilities, sound attenuation, fire safety and building code compliance, or if the Director of the Building Inspections Division identifies items to be corrected as provided in (a) of this subsection, any special permit issued pursuant to this part shall require the developer to furnish a performance bond, in an amount to be determined by the Director of Building Inspections to be the reasonable estimated cost to bring the project into compliance with said codes and to make all necessary repairs. Said bond shall run in favor of individual purchasers and the Association. Said bond shall provide for reasonable attorney's fees in the event of default by the principal.

5. Tenant and Buyer Protection Provisions. Ordinance No. 4422

In addition to the tenant protection provisions set out in Section 66421.1 of the Subdivision Map Act, Government Code Section 66410 et seq., the applicant shall comply with the following provisions as conditions of any special permit for a condominium conversion project approved pursuant to this Section.

(a) Sales and Lease Program for Qualified Low and Moderate Income Tenants.

(i) The primary purpose of the sales and lease program is to mitigate the special impact a conversion project has on the low and moderate income tenants living in the project before conversion. This special impact is the result of the conversion project displacing these tenants while at the same time reducing the number of rental housing units in the market. The displaced low and moderate income tenants are more severely

affected than other tenants and other individuals because of their inability, in most cases, to purchase the converted unit, their resulting immediate need to find replacement housing, and their lesser financial ability to compete for the remaining available rental units in the market. The proposed sales and lease program addresses the problem by providing ownership opportunities for low and moderate income tenants, thereby taking those tenants out of the rental market along with the converted unit, and by providing renewable leases for those tenants who cannot purchase, thereby retaining those units in the rental market for as long as the tenant is in need of it. Any alternative program approved by the City Council under subsection C-5-(a)(viii) must specifically address the special impacts identified in this paragraph.

A secondary purpose of the sales and lease program is to use condominium conversion projects as a source of low and moderate income ownership housing. Any alternative program approved the City Council under subsection C-5-(a)(viii) should provide ownership opportunities to qualified low and moderate income tenants where feasible and consistent with the housing policies of the City of Sacramento.

(ii) The applicant shall offer for sale to all qualified low and moderate income tenants the unit in which each tenant resides at the time the special permit for the conversion project is approved, or a comparable unit within the project, at a price which is affordable to the tenant. A "comparable unit" shall be a unit with the same floor plan, same amount of floor area (as measured in square feet) and the same amenities as the unit in which the tenant resides at the time the special permit is approved. The offer shall be made before or concurrent with the grant of the exclusive right to contract for the purchase of the unit provided for in Section 66427.1(d) of the Government Code and shall remain open for 90 days.

(iii) A qualified low or moderate income tenant shall be a tenant who meets all of the following requirements.

a. The tenant is an eligible tenant.

b. The tenant has an income of 110% or less of the median income as established annually by the U. S. Department of Housing and Urban Development for the Standard Metropolitan Statistical Area in which the proposed conversion project is located, adjusted for the number of members in the tenant's household.

c. The tenant does not, at the time notice of intent to convert is given by the applicant and at the time the offer is made, own any residential real property.

d. The tenant has not previously received assistance under this subsection C-5-(a).

e. The monthly payments of principal, interest, loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, utilities (excluding telephone service), and homeowner association fees and assessments associated with the unit if it were to be sold without restrictions would exceed thirty-five (35) percent of the tenant's monthly income.

f. The tenant's assets are not greater than the total of the amount necessary to pay the estimated closing costs and down payment on the unit, the amount necessary to pay six months of the monthly payments identified in (e) immediately preceding, and \$5,000.

g. The tenant has provided the City with the information requested under subsection C-5-(a)(vii) within the specified time, and has supported the information provided with an affidavit or declaration to its truth and accuracy.

h. "Assets" shall mean the value of the tenant's savings and any equity in stocks, bonds, real property, or other forms of capital investment. "Assets" do not include items reasonably necessary for the personal use of the tenant, such as personal effects, furniture, appliances, and automobiles.

i. References to the qualified tenant's assets and income shall include the assets and income of those persons eighteen (18) years of age and older who are living with the tenant as a single housekeeping unit.

(iv) a. A price which is "affordable to the tenant" shall be the maximum at which the tenant can qualify for financing for the unit for a minimum of thirty (30) years and for which the total monthly housing costs described in subsection C-5-(a)(iii)e. would not exceed 35% of the tenant's monthly income; provided, that in no event shall the applicant be required to sell the unit under this sales program at a price below the apartment market value of the unit at the time the application for a special permit under this Section is filed.

b. "Apartment market value" shall be the value of the unit as an apartment and shall be determined by either a single appraisal or, at the option of the applicant, by averaging the results of two independent appraisals. The appraisal(s) shall be submitted to the Planning Director not less than 30 days prior to the first public hearing on the special permit. The appraisal(s) shall be made by appraiser(s) selected randomly by the Planning Director from a pool of names of no less

than five (5) qualified appraisers. A "qualified appraiser" shall be an appraiser experienced in appraising multiple family residential property and who is an active MAI member in good standing of the American Institute of Real Estate Appraisers, an active SREA or SRPA member in good standing of the Society of Real Estate Appraisers, an active ASA (urban real estate) member in good standing of the American Society of Appraisers, or a similarly qualified appraiser in good standing in a nationally recognized real estate appraisal institute or society. The names of qualified appraisers for the pool shall be selected by the City Manager or his/her designee. The value determined by the appraisal(s) shall be binding on the City and the applicant. The applicant shall pay the fee(s) of the appraiser(s).

c. If, at the time the offer for sale at an affordable price is made under this subsection C-5-(a), the assets of the qualified tenant, as defined in subsection C-5-(a)(iii)h., are not sufficient to cover the down payment and closing costs on the unit required by the financing institution to qualify for financing on the unit, the applicant shall pay all or a portion of the down payment and closing costs, as necessary, in an amount not to exceed \$2,000. The amount paid by the applicant under this subsection shall be added to the amount secured by the second deed of trust on the unit under subsection C-5-(a)(vi).

(v) The qualified tenant shall have 90 days from the date the offer is made to accept the offer of sale under this subsection C-5-(a). If the tenant does not accept the offer within that time period or fails to secure the necessary financing, the applicant may offer the unit for sale without restriction under this subsection C-5-(a). The tenant shall be entitled to the renewable lease provisions set forth in subsection C-5-(d) and to all other protections provided in this Section.

(vi) Whenever a unit is sold to a qualified tenant under the provisions of this subsection C-5-(a), the unit shall be encumbered by a second deed of trust securing an obligation in an amount equal to the difference between the sales price paid by the qualified tenant and the price at which the unit would have sold without the requirements imposed by this subsection C-5-(a). The beneficiary under the second deed of trust shall be the applicant. The second deed of trust shall provide for the following:

a. Simple interest on the amount secured shall accrue at a rate not exceeding 5% per annum.

b. Neither principal nor interest shall be payable until the obligation secured by the second deed of trust has matured. The obligation shall mature when the unit is conveyed, transferred, leased, rented or otherwise alienated by the tenant; provided, that "conveyed, transferred, leased, rented or otherwise alienated" shall not include changes of ownership described in Sections 62 and 63 of the Revenue and Taxation Code.

(vii)a. To determine which tenants qualify for assistance under this subsection C-5-(a), the City, using the names and addresses of all the tenants in the proposed conversion project provided by the applicant in the completed application, shall notify the tenants of the provisions of this subsection C-5-(a) by mailing a notice to each on a form approved by the City Council. The notice shall request all information necessary to determine which tenants qualify for assistance. The notice shall instruct the tenants to return to the City Planning Department within 15 days the information requested, supported by affidavit or declaration under penalty of perjury as to its truth and accuracy. Based on the information received the Planning Director shall determine which tenants qualify for assistance, shall notify those tenants, and shall submit their names to the applicant.

b. Notwithstanding the provisions of Section 18 of this Ordinance, the decision of the Planning Director shall be appealable directly to the City Council and shall be governed by the provisions of Article XIX of Chapter 2 of the Sacramento City Code.

c. Unless an appeal of the decision of the Planning Director is filed, and except for name and address, the information supplied by a tenant to the City under this subsection C-5-(a)(vii) shall be held in confidence and shall not be disclosed to the public without the express written consent of the tenant. In the event an appeal is filed, the information shall be disclosed to the extent necessary to fully apprise all parties to the appeal of the facts supporting the Planning Director's decision.

d. Failure of any tenant to receive the notice advising of the sales program under this subsection shall not invalidate any proceedings conducted hereunder.

(viii)a. Upon request of the applicant, and in lieu of the requirements of this subsection C-5-(a), the City Council may approve, or approve with conditions, an alternative program for providing housing opportunities to the low and moderate income tenants in the proposed conversion project upon a finding that the alternative program is the substantial equivalent of the program provided by this subsection. Alternative programs may include, but need not be limited to, use of FHA single family purchase programs and the Homeownership and Community Development (25 Cal. Adm. Code. Section 79 et seq.).

b. Upon request of the applicant the City Council may waive, or waive with conditions, in whole or in part, the requirements of this subsection C-5-(a) upon a finding that compliance would be inconsistent with or not in furtherance of the purposes set forth in subsection A and C-5-(a)(i) of this Section or the goals and policies of the Housing Element of the City General Plan.

c. A request by the applicant pursuant to paragraph a. or b. immediately preceding shall be made within fifteen (15) days after the determination of the Planning Director made pursuant to subsection C-5-(a)(vii)a. has been forwarded to the applicant. The City shall give notice of the request in the same manner as it gives notice of the hearing on the special permit, and a hearing shall be conducted on the request concurrently with the hearing on the special permit.

d. The applicant shall, within 10 days from the date of submitting the request to City, notify in writing all the eligible tenants in the project that a request for approval of an alternative program or a waiver under this subsection C-5-(a)(viii) has been made and shall describe in detail the elements of the alternative program or the reasons for the waiver. (Ordinance No. 4422)

(b) Relocation Assistance.

The applicant shall provide the following relocation assistance to each eligible tenant:

(i) Assistance in locating comparable replacement housing, as defined in Section 28-C-6-(a)(iii), which shall include, but not be limited to, providing a report on the availability of comparable housing units and providing transportation for eligible tenants, where necessary, in connection with the relocation.

(ii) Payment of a relocation fee to each eligible tenant. The relocation fee shall consist of the payment of actual moving costs to relocate the tenant's personal property including the following specific costs: insurance, boxes, packing, transportation and unpacking. In lieu of this requirement, the eligible tenant may, at his or her option, accept a cash payment of \$600 if the tenant is relocating from an unfurnished housing unit or \$500 if the tenant is relocating from a furnished housing unit. If the eligible tenant is relocating to an area outside the Sacramento Standard Metropolitan Statistical Area, the tenant shall be entitled only to the cash payment of \$600 or \$500, whichever is applicable. An eligible tenant is not entitled to a relocation fee pursuant to this subsection if the tenant has been evicted for just cause.

(iii) In case of eligible tenants who are elderly, handicapped, low-income, or single heads of households living with one or more minor children, relocation assistance shall include the following additional measures.

a. The payment of last month's rent for the new housing unit, if required upon moving in;

b. The transfer of all key, utility, pet, cleaning, and security deposits, minus damages, to the new housing unit or the refund of all or a part of said deposits, minus damages, to the eligible tenant, at the option of the tenant;

c. The payment of the difference, if any, between the amount of all deposits and fees required upon moving in to the new housing unit and the amounts transferred for or refunded to the eligible tenant pursuant to this subsection, plus damages;

d. The payment of a rent subsidy for a period of one year in the amount of the difference, if any, between the rent of the new housing unit and the rent for the unit occupied by the eligible tenant; provided that the applicant shall not be required to pay more than \$100 per month for the rent subsidy;

e. The right of each tenant not to be unjustly evicted, as defined in Section 22-a-60-(p), and not to have the rent for the unit unreasonably increased until the tenant is actually relocated to a comparable housing unit. (Ordinance No. 4327)

(iv) In the case of tenants who did not receive the notice required to be given under (k) below, relocation assistance shall include the following measures:

a. First month's rent on the new housing unit, if any, immediately after moving from the subject property, but not to exceed \$500.

b. The assistance described in (b)(i) and (b) (ii) above.

c. In the case of these tenants who are elderly, handicapped, low-income, or single heads of households living with one or more minor children, the assistance described in (b)(iii) above.

(c) Reports.

The applicant shall provide each tenant with a copy of the reports required by Sections C-1(i) and (j) detailing all relocation and moving assistance information and purchase incentives to be provided by the applicant. (Ordinance No. 4305)

(d) Leases - Eligible Elderly or Handicapped Tenants, Qualified Low and Moderate Income Tenants.

The applicant shall unconditionally offer each eligible tenant who is elderly or handicapped and to each qualified low and moderate income tenant who does not purchase a unit under the sales program provided in subsection C-5-(a) a written lease for a term of three (3) years on the unit in which the tenant resides at the time the special permit is approved or a comparable unit within the project. A "comparable unit" shall be a unit with the same floor plan, same amount of floor area (as measured in square feet) and the same amenities as the unit in which the tenant resides at the time the special permit is approved. Each such lease shall provide that the tenant shall have four (4) successive options to renew the lease upon the terms and conditions as each original lease required by this subsection. The rental for the first year of the original lease shall be the rental paid by the tenant on the date that the notice specified in subsection C-2-(a) is given; thereafter, the rental may be increased annually on the anniversary date of the lease, commencing with the first anniversary date; provided, however, that the annual percentage increase in rent shall not exceed 7%. (Ordinance No. 4422)

Each such lease shall further provide that the tenant shall have no power or right to assign the lease, or to rent or sublease the premises or any portion thereof, and that upon the death of the tenant, the lease shall terminate. Any lease provision which violates the provisions of this subsection shall be void, and the balance of the lease shall be valid and enforceable. To the extent that such lease shall not expressly contain the provisions required by this subsection, said provisions shall be deemed to be incorporated in full therein. Any tenant who has paid rent in excess of the maximum rental specified by this subsection shall be entitled to a refund in the amount of the excess payment. Such tenants may elect to deduct the amount of the refund due them from future rent payments, provided notice is given in advance as to the intention to do so. (Ordinance No. 4328 Amended by Ordinance No. 4422)

(e) Anti-discrimination.

(i) The applicant or owner of any condominium unit within a project shall not directly or indirectly discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person who is or was a tenant or lessee of any such dwelling unit prior to the granting of the special permit, because such person opposed, in any manner, the conversion of the unit or building into a condominium. No tenant who has been so discriminated against may be unjustly evicted, and the provisions of C-5-(1) of this ordinance shall apply to such tenant. (Ordinance No. 4328)

(ii) The conditions, covenants, and restrictions for a project to be recorded pursuant to Section 1350 et seq. of the Civil Code shall contain the provisions set forth in this subsection and shall bind all successors in interest to the project.

(f) Preconversion Protection.

From the date of giving notice of intent to convert pursuant to subsection C-2-(a) of this Section until relocation takes place or the application is denied or withdrawn, but in no event for more than two (2) years, no tenant shall be unjustly evicted and no tenant's rent shall be increased (1) more frequently than once every six months nor (2) in an amount greater than the increase in fair market rents as established by the Department of Housing and Urban Development for assisted units, on an annualized basis, for the same period. This limitation shall not apply if rent increases are expressly provided for in leases or contracts in existence prior to the filing date of the special permit. A tenant who has paid rent in excess of the maximum rental payment specified by this subsection shall be entitled to a refund in the amount of the refund due them from future rent payments, provided notice is given in advance to the landlord as to intention to do so. (Ordinance No. 4328)

(g) Prior to offering for sale to the public any unit within a condominium conversion project for which a special permit has been issued pursuant to this subsection C, the applicant shall submit to City a copy of each of the following documents relating to the proposed project: the completed application for issuance of a Final Public Report for the project proposed for conversion, including all attachments and exhibits thereto, the completed Statement of Compliance relating to operating and maintenance funds during start up, and the completed Supplemental Questionnaire for apartments converted to condominium projects, including all attachments and exhibits. (Ordinance No. 4305)

(h) Appliance Warranties. Ordinance No. 4305

The applicant shall provide free of charge to the first individual purchaser of each unit a one-year warranty on each fixed appliance contained in the unit, whether new or used.

(i) The applicant shall provide each condominium unit purchaser with a copy of the reports required by subsections C-1-(b), (c), (d), (e), and (f) of this Section. (Ordinance No. 4305)

(j) The Covenants, Conditions, and Restrictions (C C & R's), or equivalent document, shall contain, or shall be amended to contain, on the first page thereof, in type as large as any type used in the C C & R's, a notification in substantially the following terms: (Ordinance No. 4305)

"NOTICE"

"THE TERMS OF THIS DOCUMENT ARE LEGALLY BINDING. READ IT CAREFULLY. A REAL ESTATE BROKER IS QUALIFIED TO ADVISE YOU ON REAL ESTATE MATTERS. IF YOU DESIRE LEGAL ADVICE, CONSULT AN ATTORNEY."

(k) After notice of intent to convert is given pursuant to subsection C-2-(a) of this Section, any prospective tenant shall be notified in writing of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of (f) above. Any tenant who is not so notified shall be deemed to be an eligible tenant entitled to relocation benefits pursuant to (b) above. (Ordinance No. 4328)

(i) After notice of intent to convert is given pursuant to subsection C-2-(a) of this section, the applicant shall give notice of the intent to convert in the form set forth below to each person applying after such date for rental or lease of a unit of the subject property immediately prior to acceptance of any rent or deposit from the prospective tenant:

"To the prospective occupant(s) of _____ :
(address)

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the City of Sacramento to convert this building to a condominium. No units may be sold in this building unless the conversion is approved by the City of Sacramento and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and

you have the right to appear and the right to be heard at any such hearing.

(signature of owner or owner's agent

(dated)

I have received this notice on _____
(date)

(Prospective tenant's signature)"

Prospective tenants who receive this notice prior to renting or leasing a unit shall not be subject to the provisions (f) above.

(ii) Failure by an application to give the above described notice shall not be ground to deny the application for a special permit or tentative map. Each prospective tenant who becomes a tenant, who was entitled to but was not given the notice, and who does not purchase a unit shall be deemed an eligible tenant for purposes of, and shall receive the relocation assistance provided by subsection (b)(iv) above.

(1) Remedies.

In addition to any other remedy specified in this Section, and cumulative with any other remedy available to tenants at law or in equity, any tenant who is a defendant in an action to recover possession, and who is otherwise entitled to the benefits of this Section, shall be entitled to defend such action upon the ground of a violation by the applicant or the owner or landlord of the provisions of C-5 of this Section.

In addition to any other remedy specified in this Section, and cumulative with any other remedy available at law or in equity, any person aggrieved by a violation of subsections C-5-(b), C-5-(c), C-5-(e), C-5-(h), C-5-(i), and C-5-(j) shall have a cause of action against the applicant for all actual damages suffered by such person as a direct consequence of any such violation.

In addition to any other remedy available to it in law or equity, the City shall have the remedies specified in Sections 15-F-2, 3 and 4 and Section 19-D of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series. Additionally, the provisions of Section 19-E shall be applicable. (Ordinance No. 4328)

6. Criteria For Review.

(a) The City Council shall not approve a special permit under this Section unless it finds: (Ordinance No. 4305, as amended)

(i) That the proposed conversion is consistent with the General Plan and applicable community and specific plans in effect at the time of the special permit application, especially with the objectives, policies, and programs of the Housing Element of the General Plan designed to provide affordable housing to all economic segments of the population.

(ii) That the average rental vacancy rate in the affected community plan areas during the 12 months preceding the date the City-determined rental vacancy rates are issued pursuant to subsection B-4 of this Section is greater than 5%; provided that a special permit may be approved where the said vacancy rate is equal to or less than 5% if the applicant has proposed measures which the Council finds would effectively mitigate the displacement of tenants and any adverse effects upon the rental housing stock in the affected community plan areas which would be caused by the proposed conversion.

In evaluating the average rental vacancy rate in the affected community plan areas and in the building proposed for conversion, the City Planning Commission and City Council shall consider the rental history of the building, including the number of evictions and increases in rent over the preceding three (3) years. Notwithstanding any other provision of this subsection, the City Council may deny a special permit under this Section if it finds that a substantial number of vacancies in the building have been created by unjust evictions and unreasonable rent increases in order to qualify a project for conversion under this subsection or that the applicant has intentionally created or maintained a substantial number of vacancies to reduce the number of eligible and eligible special category tenants in the project who would be entitled to the tenant protection provision set forth in this Section.

The requirements of this subsection (ii) shall not apply to condominium conversion projects comprised of the conversion of a nonresidential building into condominium ownership intended for residential occupancy. (Ordinance No. 4354)

(iii) That there exists adequate comparable replacement housing for each eligible tenant in the building proposed for conversion. In determining whether the housing to which the applicant proposed for relocation is "comparable" the Council must find that the housing is decent, safe, and sanitary, and in compliance with all local and state housing codes; and, that the

housing is open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender. In addition, the Planning Commission and Council shall consider the following factors in determining whether the relocation housing is comparable: (Ordinance No. 4327)

a. Whether the housing is provided with facilities equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following: a) apartment size including number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped, infirmed, or senior citizens; e) willingness to accept families with children;

b. Whether the housing is located in an area not less desirable than the area in which the tenant then resides in regard to a) accessibility to the tenant's place of employment; b) accessibility to community and commercial facilities; c) accessibility to schools; and d) accessibility to transportation.

A unit is not comparable if it is located in a building for which a notice of intent to convert has been given, pursuant to subsection C-2(a) of this Section, except where the rental units of the building will not be offered for sale as condominium units within two (2) years.

(iv) That the applicant has complied with all of the provisions of this Section relating to the application procedure and submittal of required information (subsection C-1); payment of the application fee (subsection C-1-(m)); required notices to tenants and other interested persons (subsection C-2); building inspection (subsection C-4); and tenant and buyer protection (subsection C-5). (Ordinance No. 4305)

(v) That the proposed conversion complies with all development standards set forth in the subsection C-3 of this Section. (Ordinance No. 4305)

(b) The Council shall not approve a special permit pursuant to this Section where it finds the apartment building or residential complex proposed for conversion represents a unique and needed rental housing resource in the City or in the neighborhood, taking into consideration such factors as the need for a balanced rental-owner housing supply, current rental rates, the unavailability of comparable housing, and extraordinary tenant displacement problems which would result from conversion, in spite of the relocation assistance and mitigation measures offered by the applicant. In evaluating a project for purposes of this subsection, the City Planning Commission and City Council shall consider the rental history of the building, including the number

and types of special category tenants over the preceding three (3) years, the number of unjust evictions, and the number of unreasonable rent increases. (Ordinance No. 4329)

(c) In evaluating an application for a special permit pursuant to this subsection C, the City Planning Commission and City Council shall consider the results of the tenant survey required by subsection C-1-(k). If the Planning Commission or Council finds that less than a significant number of tenants have indicated their approval in principle to the proposed conversion, the Planning Commission or Council shall consider the nature and extent of tenant disapproval and shall reexamine the application with respect to the criteria for review and all other provisions of this Section to insure the proposed project complies. (Ordinance No. 4305)

(d) In approving a special permit for a condominium conversion under the provisions of this Section, the City Council may impose such conditions as may be necessary to carry out the intent, purpose, and objectives of this Section, the General Plan, and applicable community and specific plans and elements thereof, or to protect the public health, safety or welfare. (Ordinance No. 4354)

7. No eligible or qualified tenant shall, by virtue of the provisions of this Section, have a vested right from the City to any of the benefits, protections, or other interests provided for herein. Notwithstanding the provisions of Section 13-A-8 and 9 of this ordinance, the City Council may amend or repeal by the adoption of an ordinance, the provisions of this Section from time to time as it determines. (Ordinance No. 4422)

D. Condominium New Construction. Ordinance No. 4305

1. Applications.

A special permit shall be required for all new condominium construction as provided in subsections A and B of this Section. The application procedure for a special permit for condominium new construction shall be governed by the provisions of Section 7 and Section 15 of this ordinance.

2. Development Standards.

The following development standards shall apply to all applications for a special permit for new condominium construction:

(a) Off-Street Parking

Notwithstanding the provisions of Section 6 of this ordinance, off-street parking shall be provided at a ratio of not less than one parking space per dwelling unit. The dimensions, location, and use of such parking shall be subject to the provisions of Section 6 of this ordinance.

(b) Utilities

(i) Sewer: Each condominium unit shall have a separate sewer service hookup; provided, that the Planning Commission may permit the use of common sewer lines that are oversized by one size or more, or which are hydraulically designed with the concurrence of the City Engineer, finds the common sewer lines can adequately service the condominiums and that separate service hookups would not be feasible.

(ii) Water: Each condominium unit shall have a separate water service hookup or shutoff; provided, that the Planning Commission may permit a single water system to service more than one condominium unit where shutoffs are provided wherever practicable and where the Planning Commission, with the concurrence of the City Engineer, finds that the single water system can adequately service the condominiums and separate service hookups or shutoffs are not feasible.

(iii) Gas: Each condominium unit shall have a separate gas service where gas is a necessary utility.

(iv) Electricity: Each condominium unit shall have a separate electrical service, with separate meters and disconnects and ground fault interrupters where and as required by the Building Code.

(c) Sound Attenuation.

Each condominium unit shall comply with the State of California's Noise Insulation Standards (Cal. Amd. Code Section 1092).

(d) Fire Safety. Amended Ordinance No. 82-070 -

It is the purpose of this development standard to provide safety to the occupants of condominium units and to protect the investment in real property represented by the ownership interest of each condominium owner.

Each condominium unit shall have a smoke detection system and a two-hour fire separation on its floors and each wall common to itself and an adjacent unit.

Nothing in this Subsection (d) shall apply to a limited equity housing cooperative, as defined by Business & Professions Code Section 11003.4.

(e) Ownership Organization.

All condominium projects shall provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the condominium owners. Complete and true copies of all Covenants, Conditions, and Restrictions, articles of incorporation and by-laws shall be subject to review and approval by the City prior to occupancy as a condominium unit. The City of Sacramento may be made a third party beneficiary to all or any portion of the Covenants, Conditions, and Restrictions, as deemed appropriate.

(f) Building Code Requirements.

Each unit of a condominium project, and all commonly owned portions of a condominium building shall comply with all applicable building code standards. Nothing herein shall be construed to prevent or prohibit the applicant or the City from providing or requiring building standards greater than those set forth in the Building Code where the greater standards are found to be necessary to carry out the purposes and objectives of this Section and Section 7 of this ordinance.

(g) New condominium construction shall be subject to the development standards and other provisions of Section 7 of this ordinance.

E. Expiration For Failure to Establish Use. Ordinance No. 4305

1. Notwithstanding the provisions of Section 15-D-4, a condominium project for which a special permit is issued under this Section must be established within one (1) year after such permit is issued. If the condominium project is not so established, the special permit shall be deemed to have expired and shall be null and void.

2. A condominium new construction project shall be deemed established when a building permit has been secured for the project and construction thereunder physically commenced.

3. A condominium conversion project shall be deemed established when one unit in the project has been sold to an individual purchaser other than the owner or applicant.

F. City Council To Adopt Regulations.

Regulations governing the implementation of any provision of this Section may be adopted from time to time by the City Council.

G. Variances. Ordinance No. 4305

1. Variances Relating to Condominium Conversions.

Notwithstanding the provisions of Section 14 of this ordinance, variances from the provisions of subsection C of this Section relating to condominium conversions shall be governed by the following provisions:

(a) At least one public hearing shall be held on a request for a variance from the provisions of this Section relating to condominium conversions by each the Planning Commission and the City Council.

(b) Notice of the hearings on said variances by both the Planning Commission and the City Council shall be given as provided in Section 14 of this ordinance and to the tenants of the building proposed for conversion to whom notices are sent pursuant to subsection C-2 of this Section.

(c) All other provisions of Section 14 of this ordinance which do not directly conflict with the provisions set forth herein shall apply to the hearing and review of variance requests, except as provided below.

(d) For purposes of granting variances to the development standards for condominium conversions set forth in subsection C-3 of this Section, the provisions of this paragraph relating to the circumstances for which a variance shall be granted, and the findings on which the grant of a variance must be based, shall govern to the exclusion of the provisions of Section 14 of this ordinance.

The City Council may grant a variance and approve a special permit for a condominium conversion project which does not comply with all of the development standards contained in subsection C-3, if the City Council finds that:

(i) Because of the circumstances applicable to the subject property, or to the structures situated thereon, including but not limited to the size, shape, location or surroundings of the subject property or the buildings thereon, the strict application of the development standards would create an unreasonable economic hardship; and

(ii) The project, as conditioned, will be in substantial compliance with such development standards; and, will incorporate mitigating features into the project which tend to further the purpose of this Section.

*See Appendix C for calculation of vacancy rates and the scheduling of hearing dates.

SECTION 29

HIGH VOLTAGE TRANSMISSION FACILITIES

SECTION 29. HIGH VOLTAGE TRANSMISSION FACILITIES

A. PURPOSE

It is the intent of this Section to implement with a single procedure Section 12808.5 of the California Public Utilities Code and Sections 53091 and 53096 of the California Government Code which authorizes the City to review and to approve or disapprove the location and construction of facilities for the transmission of electrical energy, operating at 100,000 volts or more, such as substations, transmission lines and poles, and accessory structures, by the Sacramento Municipal Utility District (SMUD). It is the purpose of this section to provide for these facilities in the City's communities in the most compatible and least obtrusive manner, while insuring that electrical energy is made available to every part of the City. The procedural rules set forth herein are designed to insure that sufficient information is provided in a timely manner to allow the City to make a reasonable and informed decision on applications submitted.

B. DEFINITIONS

For purposes of this Section, the following definitions shall apply:

1. Direct impact shall mean interference with the use or enjoyment of a person's property, real or personal, such as visual impacts, noise impacts, and interference with antenna reception.
2. Feasible shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
3. High voltage transmission facilities shall mean electrical transmission lines, poles, accessory structures operated at the electrical potential of 100,000 volts or greater, and substations where at least one of the transmission lines connecting with the facility is operated at the electrical potential of 100,000 volts or greater.
4. SMUD shall mean the Sacramento Municipal Utility District.
5. Substation shall mean a facility which transforms electrical energy to a lesser voltage for the purposes of subregional or localized distribution, or which functions as a transition point from overhead to underground electrical transmission lines, or which acts as the point of convergence for two or more transmission lines.

C. PROCEDURE

1. Location

High voltage transmission facilities may be located in any zone subject to the provisions of this section.

2. Permit Required

A transmission facilities permit is required to construct and locate a high voltage transmission facility in any zone. Application for a transmission facility permit shall be filed with the Planning Commission and shall be subject to a filing and investigation fee: transmission line fees to be the same as Special Permit fees. Substation fees to be the same as Rezoning fees. (See adopted City Planning Department Fee Schedule.)

3. Information to Accompany Permit Application

An application for a transmission facility permit shall be accompanied by plans and the environmental document prepared and certified pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq., sufficient in detail to allow the Planning Commission and the City Council to determine the exact nature and extent of the use. The application shall include at a minimum the following information:

(a) the expected electrical requirements, as determined by SMUD, of the areas within the District which will be affected by the project;

(b) the locations and capacities of the high voltage transmission facilities proposed, together with a description of basic technical and design concepts that favor the selection of the chosen locations and a list of feasible alternative sites;

(c) an assessment of the type and magnitude of the direct impacts of the proposed project and of each alternative;

(d) mitigation measures:

(i) the measures to be implemented by SMUD to compensate for or mitigate the direct impacts of the project;

(ii) where any portion of a proposed project is adjacent to residentially zoned or residentially used property, a discussion of feasible routing alternative;

(3) any other information the planning director deems necessary to allow the Planning Commission and City Council to determine the exact nature and extent of the proposed project and any impacts of the project.

4. Hearings

(a) Within 30 days after an application for a transmission facilities permit is filed and accepted as complete, the Planning Commission shall hold a public hearing thereon. The procedural requirements for the hearing shall be governed by Section 18 of this ordinance; provided, that said hearing may be initiated only by the permit applicant.

(b) Mailed notice of the hearing shall be provided at least 10 days prior to the hearing to the owners of all property within 300 feet of the property subject to the permit; provided, that if such mailed notice would result in notice to more than 250 persons, as an alternative to such mailed notice, notice may be given by placing an advertisement in a newspaper of general circulation within the area affected by the proposed facilities.

(c) The Planning Commission shall recommend approval, approval of an alternative or disapproval of the permit and transmit said recommendation to the City Council.

(d) Upon receipt of a recommendation of the permit from the Planning Commission, the City Council shall set the matter for hearing and give notice thereof as provided in Paragraph C-4-b of this Section. The hearing shall be conducted within 60 days of the date the application and environmental document was filed and accepted as complete; and the City Council shall adopt a resolution approving, approving an alternative or disapproving the permit.

5. Review Criteria and Findings

The Planning Commission and the City Council shall evaluate applications for transmission facilities permits in accordance with intent and purpose statement contained in subsection A of this Section and any applicable land use plans and policies adopted by the City Council. Any decision of the City Council on a transmission facilities permit application shall be based on findings concerning:

(a) The consistency of the proposed facilities with the City's general plan and applicable redevelopment and specific plans.

(b) Whether there are feasible alternatives to the proposal.

(c) Such other factors related to the public health, safety, and welfare as are included within the policies set forth below for assessing transmission facilities permits.

6. Policies

The City of Sacramento hereby adopts the following policies for reviewing transmission facilities permit applications:

(a) To discourage within the City lattice towers along new transmission lines right-of-way or along portions of existing right-of-way utilized for expansion of the transmission system.

(b) To incorporate into a project mitigation measures appropriate to the site of a particular project and each transmission line segment of a project whenever feasible, such as undergrounding or rerouting

transmission lines to reduce visual impacts and antenna reception interference, reducing the number of poles or towers used for a project, using landscaping to screen or soften the visual impacts of projects, and incorporating sound attenuation measures into projects.

(c) To locate substations on other than local or collector streets.

(d) The following routing preferences are hereby adopted;

(i) Preference shall be given to the location of transmission lines in the rank order specified below:

a. Within existing SMUD transmission rights-of-way or rights-of-way anticipated for other projects proposed pursuant to this section.

b. Adjacent to railroads or adopted freeway routes.

c. Along or adjacent to major arterial streets where existing or planned uses are commercial or industrial.

d. Adjacent to or through existing or planned commercial, industrial or agricultural uses.

e. Along arterial streets where residential uses designated in an adopted plan are RD-2 or greater density.

f. Through areas where land uses in an adopted plan are predominantly commercial, but include residential uses.

g. Through residential areas, including side and rear yards, irrespective of density.

(ii) Preference shall be given to the location of substations in the following rank order:

a. Areas designated for industrial or commercial land uses in an adopted plan.

b. Undeveloped areas designated for residential use in an adopted plan.

c. Areas designated Agricultural-Urban Reserve in an adopted plan.

d. Sites designated for residential use in an adopted plan and surrounded by existing residential uses.

SECTION 30

EXECUTIVE AIRPORT OVERLAY ZONES

SECTION 30. EXECUTIVE AIRPORT OVERLAY ZONES *

A. Purpose

The purpose of this Section 30 is to help protect the health, safety and general welfare of people in the vicinity of the Sacramento Executive Airport and to improve air navigation safety. More specifically, this section is intended to provide for the sensible growth and maintenance of the airport environs, and to effectuate the policies reflected in California Public Utilities Code Sections 21670 et seq. and the Executive Airport Comprehensive Land Use Plan.

B. EA Executive Airport Overlay Zones

1. The EA designation appearing after a land use classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this section in addition to those of the underlying zone. In the event of a conflict between a provision in this Section 30 and a provision contained in another section of the zoning ordinance, the most restrictive provision shall apply.

2. The EA designation shall be applied to that area included within the four airport zones, as generally delineated on Figure 2 of the 1982 Executive Airport Comprehensive Land Use Plan and as more specifically delineated on the Executive Airport Planning Area Map, dated August 1982.

(a) the EA-1 overlay zone includes that area located within Approach Zone 1 or AZ-1 of the 1982 Executive Airport Comprehensive Land Use Plan. Due to its immediate proximity to airport runways, this is the most restrictive EA overlay zone.

(b) The EA-2 overlay zone includes that area located within Approach Zone 2 or AZ-2 of the 1982 Executive Airport CLUP. EA-2 areas are adjacent to the EA-1 areas and are under primary flight paths.

* (Added Ordinance #82-096, 11-23-82)

(c) The EA-3 overlay zone includes that area located within Approach Zone 3 or AZ-3 of the 1982 Executive Airport CLUP. The EA-3 areas are also under primary flight paths but are more distant from the airport than EA-2 areas.

(d) The EA-4 overlay zone includes that area located within the Overflight Zone or OZ-4 of the 1982 Executive Airport CLUP. This area generally encircles the airport and is the least restrictive overlay zone.

3. In the event that an EA overlay zone line splits a vacant parcel, the restrictions of each particular EA overlay zone shall apply to the portion of the parcel within that zone; provided, however, that when a parcel is fifty percent (50%) or more in the less restrictive zone, the owner of such parcel may submit an application to the Planning Director, requesting permission to render applicable to the entire parcel the less restrictive overlay zone. The Planning Director's decision to approve or conditionally approve the application shall be based upon mitigation measures to be taken by the applicant with regard to site planning, building placement and design.

C. Use Chart

1. A "yes" on the following chart indicates that the use is permitted in the particular zone; a "no" indicates that the use is prohibited in the particular zone; an asterisk "*" indicates that the use may be permitted pursuant to Section 30-D. A footnote after a "yes" indicates the use is permitted subject to the limitations stated for that footnote. A footnote after an asterisk indicates the use may be permitted subject to limitations stated for that footnote.

LAND USE	OVERLAY ZONE			
	EA-1	EA-2	EA-3	EA-4
<u>RESIDENTIAL</u>				
Single-Family Dwelling	No	Yes ¹	Yes ¹	Yes
Two-Family Dwelling	No	No	No	Yes
Multi-Family dwelling	No	No	No	Yes
Group quarters	No	No	No	Yes ²
Mobile home parks or courts	No	Yes ¹	Yes ¹	Yes
Other residential	No	Yes ¹	Yes ¹	Yes
<u>INDUSTRIAL/MANUFACTURING</u>				
Food and kindred product	No	*	Yes	Yes
Textile mill products	No	*	Yes	Yes
Apparel	No	*	Yes	Yes
Lumber and wood products	No	*	Yes	Yes

LAND USE	OVERLAY ZONE			
	EA-1	EA-2	EA-3	EA-4
<u>INDUSTRIAL/MANUFACTURING (Contd)</u>				
Furniture and fixtures	No	*	Yes	Yes
Paper and allied products	No	*	Yes	Yes
Printing, publishing	No	*	Yes	Yes
Chemicals and allied products	No	No	No	Yes
Petroleum refining & related industries	No	No	No	No
Rubber and miscellaneous plastic	No	No	No	No
Stone, clay and glass products	No	*	Yes	Yes
Primary metal industries	No	*	Yes	Yes
Fabricated metal products	No	*	Yes	Yes
Miscellaneous manufacturing	No	*	Yes	Yes
Warehousing/storage	No	*	Yes	Yes
<u>TRANSPORTATION, COMMUNICATIONS AND UTILITIES</u>				
Railroad, rapid rail transit	Yes ³	*	Yes	Yes
Highway and street ROW	Yes	Yes	Yes	Yes
Auto parking lots	Yes ³	Yes	Yes	Yes
Communications	Yes ³	Yes	Yes	Yes
Utilities	Yes ³	*	Yes	Yes
Private Airstrips	No	No	No	No
Other trans, comm, and util.	Yes ³	*	Yes	Yes
<u>PUBLIC AND QUASI-PUBLIC SERVICES</u>				
Hospital	No	No	No	Yes ²
Family Day Care Facility	No	Yes ¹	Yes ¹	Yes
Family Care Facility	No	Yes ¹	Yes ¹	Yes
Non-residential Care Facility	No	No	No	Yes ²
Residential Care Facility	No	No	No	Yes ²
Government services	No	No	Yes ²	Yes ²
Schools, colleges	No	No	No	Yes ²
Cultural activities including churches, libraries	No	No	No	Yes ²
Medical/health clinics, laboratories	No	No	Yes ²	Yes ²
Cemeteries	Yes ³	Yes	Yes	Yes
Other public and quasi-public services	No	No	Yes ²	Yes ²
<u>RECREATION</u>				
Neighborhood parks	No	Yes ⁶	Yes	Yes
Community and regional parks	No	No	Yes	Yes
Nature exhibits	Yes ³	*	Yes	Yes
Spectator sports, stadiums, arenas	No	No	No	No
Golf courses, riding stables	Yes ³	*	Yes	Yes

OVERLAY ZONE

LAND USE	EA-1	EA-2	EA-3	EA-4
<u>RECREATION (Cont'd)</u>				
Water based recreational areas	No	No	Yes	Yes
Resort and group camps	No	No	Yes	Yes
Auditoriums, concert halls	No	No	No	No
Outdoor amphitheaters, music shells	No	No	No	No
Indoor sports facilities	No	No	No	Yes ²
<u>RESOURCE PRODUCTION, EXTRACTION, AND OPEN SPACE</u>				
Agricultural Production	Yes ^{3,5}	Yes ⁵	Yes ⁵	Yes ⁵
Permanent Open Space	Yes ^{3,5}	Yes ⁵	Yes ⁵	Yes ⁵
Water areas	Yes ⁵	Yes ⁵	Yes ⁵	Yes ⁵
Wholesale horticultural production	Yes ^{3,5}	Yes	Yes	Yes
<u>COMMERCIAL/RETAIL/SERVICES</u>				
(a) The following types of uses:	No	No	No	Yes ²
Amusement Center				
Auction House				
Billiard Parlor				
Bowling Alley				
Card Room/Bingo Parlor				
Dance Hall				
Dance Studio				
Drive-In Restaurant				
Funeral Home				
Health and Fitness Center (activity center)				
Public Market (over 6400 sq. ft.)(individually leased sales stalls)				
Skating Rink				
Social Clubs				
Theater				
Weight Control Center				
Residential hotels				
Transient lodgings-hotels, motels				
Video Arcades				
(b) The following types of uses:	No	Yes ⁴	Yes ²	Yes
Aircraft Sales	Auto Dealer			
Ambulance Service	Auto Parts House			
Antique Store	Auto Repair Shop			
Appliance Store	Auto Rental Company			
Art Gallery	Auto Body and Fender Shop			
Art Supplies - Store	Auto Car Wash			

COMMERCIAL/RETAIL/SERVICES (Cont'd)	OVERLAY ZONE			
	EA-1	EA-2	EA-3	EA-4
(b) The following types of uses:	No	Yes ⁴	Yes ²	Yes
Auto Upholstery				
Bait Shop				
Bakery (no table service or serving of meals)				
Bank				
Barber Shop				
Beauty Shop				
Bicycle Shop				
Blueprinter				
Boat Sales				
Book Store				
Broadcasting Studio (w/out live audience)				
Building Contractor				
Building Supplies				
Cabinet Shop				
Camera Store				
Camper Sales				
Candy Store				
Canteen or Vending Service Center				
Cigar Store				
Cleaning-Laundry Agency				
Clothing Store				
Collection Agency				
Contractor's Shop				
Cookware Shop				
Costume Shop				
Credit Union Association				
Curio or Novelty Shop				
Delicatessen (no table service)				
Dental Office				
Department Store (under 3000 sq. ft.)				
Dress Shop				
Drug Store (under 3000 sq. ft.)				
Electrical Contractor				
Electrical Goods Store - Retail				
Employment Agency				
Employment Rental and Sales Yard				
Fabric Store				
Feed Store - Retail Only				
Finance, Insurance and Real Estate				
Floor Covering				
Florist				
Food Store (specialized) (under 6400 sq. ft.)				
Furrier Shop				
Furniture Refinishing				
General Contractor				
Gift Card Shop				
Gift Shop				
Glazier Shop				
Grocery (under 6400 sq. ft.)				
Hardware Store				
Hat Shop				
Hearing Aid Sales and Service				
Heating & Sheet Metal Contractor				
Hobby Supplies Store				
Home Improvement Center-Retail (under 6400 sq. ft.)				
Ice Cream Parlor (no table service or serving of meals)				
Interior Decorator's Studio				
Janitorial Service Company				
Jewelry Store				
Knit Shop				
Lapidary Shop				
Laundromat - Self Service				
Laundry - Commercial				
Lawnmower Sales & Service				
Leather Goods Store				
Liquor Store				
Loan Office				
Locksmith				
Masseur				
Millinery Shop				
Meat Market				
Medical Office				
Messenger Service				
Motorcycle & Power Scooter Sales				
Music Store & Instrument Repair				
Newsstand				
Notions Store (under 6400 sq. ft.)				
Nursery - Plants, etc.				
Office - Business or Professional				
Office Equipment Sales & Service				
Optician				
Oriental Rug Shop				
Orthopedic Supply				
Paint Store				
Pawn Shop				
Pest Control Service				
Pet Shop				
Photo Engraving Shop				

OVERLAY ZONE

COMMERCIAL/RETAIL/SERVICES (Cont'd)	EA-1	EA-2	EA-3	EA-4
(b) The following types of uses:	No	Yes ⁴	Yes ²	Yes
Photographic Studio		Spa and Pool Sales		
Plumbing Contractor		Sporting Goods Store		
Pottery and Glass Store		Stamps and Coins		
Power Tool Sales		Stationary Stores		
Prescription Pharmacy		Tailor		
Printing Plant		Taxidermist		
Public Stenographic Service		Tile Contractor		
Radio & T.V. Sales & Service		Tire Shop - Including Recapping		
Real Estate Office		Tobacco Shop		
Recording Studio (without live audience)		Toy Shop (under 6400 sq. ft.)		
Records - Posters (under 6400 sq. ft.)		Trailer Sales Yard		
Roofing or Building Contractor		Travel Agency		
Rug and Drapery Shop		Trophy & Emblem Store		
Savings & Loan Company		Upholstery Shop		
Second Hand Store		Used Car Lot		
Service Station		Variety Store (under 6400 sq. ft.)		
Sewing Machine Sales		Veterinary Services		
Sheetrock or Plastering Contractor		Voice Studio		
Shoe Repair Shop		Watch Repair Shop		
Shoe Store		Wholesale Store & Distributors		
Shoeshine Stand		Wig Sales		
Sign Shop		Yardage Shop		
		- or any combination of permitted uses		
(c) The following types of uses:	No	*7	Yes ²	Yes
Department Store (over 3000 sq. ft.)		Gun Shop		
Discount House - Retail Merchandise (over 6400 sq. ft.)		Grocery Store (over 6400 sq. ft.)		
Drug Store (over 3000 sq. ft.)		Medical/Dental Office Complex		
Home Improvement Center (over 6400 sq. ft.)		Toy Shop (over 6400 sq. ft.)		
(d) The following types of uses:	No	Yes ⁸	Yes ⁸	Yes ²
Bar/Cocktail Lounge				
Ice Cream Parlor (With table service or serving meals)				
Lunch room - coffee shop				
Restaurant				

2. The footnotes appearing in the Section 30-C-1 chart have the following meaning:

(a) Footnote 1: No residential uses in excess of four (4) dwelling units per gross acre.

(b) Footnote 2: No structure with more than two habitable stories, or which exceeds 30 feet in height.

(c) Footnote 3: No building, structure, above-ground transmission lines, or storage of flammable or above-ground explosive material, and no uses resulting in a gathering of more than ten (10) persons per acre at any time.

(d) Footnote 4: Use permitted only if it does not result in any of the following: (1) structural lot coverage greater than 20%; or (2) above-ground storage of flammable or explosive material; or (3) any structures with more than two habitable stories, or which exceeds 30 feet in height.

(e) Footnote 5: Use permitted only if it does not result in a possibility that a water area may cause ground fog or result in a bird hazard.

(f) Footnote 6: No high-intensity use or facilities such as structured playgrounds, ballfields, or restrooms.

(g) Footnote 7: Use permitted only if it meets the standards listed in Section 30-D-1, and will not result in structural lot coverage greater than 20%.

(h) Footnote 8: Use permitted subject to issuance of a Special Permit pursuant to Section 15 of the Comprehensive Zoning Ordinance and the provisions of this section. The Planning Commission may approve or conditionally approve the Special Permit if it finds that the use, when evaluated in context with existing uses or structures located on the same parcel, will not cause a safety or noise problem either for aircraft using the Executive Airport or persons using the facility where the proposed use is located, and will not result in any of the following: 1) aboveground storage of flammable or explosive material; 2) height of structure of more than two habitable stories or 30 feet; and 3) structural lot coverage greater than 20% if a new building or expansion of an existing structure is proposed as part of the use application.

D. Discretionary Permitted EA-2 Uses

1. The owner of property located in the EA-2 overlay zone may submit a written application to the Planning Director, requesting permission to establish or modify a land use which is indicated by an asterisk in the Section 30-C use chart, and is not prohibited by any other provision in the Zoning Ordinance or City Code.

2. The application shall include:

(a) A processing fee is an amount established in a resolution adopted by the City Council; and

(b) Evidence that the proposed or modified use satisfies the findings mandated in Section 30-D-3(b); and

(c) Other information as may be requested by the Planning Director.

3. Not more than thirty (30) days after receipt of a complete application, the Planning Director shall either:

(a) Notify the applicant in writing that he has determined that the use should not be permitted, and a brief statement of the reasons for such determination; or

(b) Without holding a hearing, approve or conditionally approve the use if the Director finds that the use will not result in any of the following:

(1) Concentration of people greater than 50 persons per acre at any time;

(2) Above-ground storage of flammable or explosive material; or

(3) Any structure with more than two habitable stories or which exceeds 30 feet in height; or

(c) Schedule the matter for a Planning Commission public hearing. The hearing shall be noticed and fees shall be charged in the same manner as

for a special permit. The Commission shall approve or conditionally approve the use if it finds that the use will not result in any of the facts specified in Section 30-D-3(b).

4. In accordance with the procedures specified in Zoning Ordinance Section 18, any person may appeal to the Planning Commission a decision of the Planning Director made pursuant to Section 30-D-3(b) and any person may appeal to the City Council a decision of the Planning Commission made pursuant to Section 30-D-3-(c).

E. Concentration of People Calculation Method

1. Calculation of the anticipated maximum number of persons per acre associated with a particular use shall be based on:

(a) The process described in Appendix 5 of the 1982 Executive Airport Comprehensive Land Use Plan. For the purposes of this subsection (a), a shopping center shall be considered a single lot; or

(b) An analysis of existing uses in similar locations; or

(c) An analysis of the precise details of the use relative to the maximum probable number of people to be attracted to the site at any time; or

(d) Any other method reasonably likely to indicate the anticipated maximum number of persons per acre associated with a particular land use.

2. In the event of a conflict between the calculations achieved pursuant to the methods listed in Section 30-E-1, the determination of concentration shall be based on that method or combination of methods which, in the opinion of the decision-maker, is most accurate for the specific type and location of use.

F. Nonconformities

1. As used in this Section 30, a nonconformity shall mean a land use or structure which:

(a) Existed or was lawfully under construction on the effective date of this ordinance, or existed prior to the effective date of this ordinance and became vacant or unoccupied less than one year prior to the effective date of this ordinance; and

(b) Was legal immediately prior to the effective date of this ordinance; and

(c) Does not conform to a provision contained in this Section 30.

2. A nonconformity may be continued subject to the provisions of this Subsection F.

3. A nonconformity shall not be expanded, enlarged, or changed to another use prohibited by this Section 30 except as provided in Section 30-G and 30-H; only such repairs as are part of normal, necessary maintenance and construction activity not likely to facilitate expansion, enlargement or change in use of the nonconformity shall be permitted.

4. The cessation of the use of a nonconforming structure or nonconforming land use for a period of one year, commencing on or after the effective date of this ordinance, shall terminate all rights in such nonconformity. This section shall not apply to single-family dwellings.

G. Permitted Changes in Nonconformities

The following changes in nonconformities shall be permitted:

1. Reconstruction of a nonconforming structure, or conforming structure containing a nonconforming use, due to damage to the structure if:

(a) Reconstruction will not expand or enlarge the nonconformity; and

(b) The cost of such reconstruction does not exceed fifty (50) percent of the replacement value of the structure immediately prior to damage; and

(c) That portion of a structure containing a nonconforming anchor tenant may be reconstructed notwithstanding the fifty (50) percent limitation imposed in Section 30-G-1-(b).

2. Reconstruction or repair of a single-family dwelling used as a residence.

3. Expansion of a single-family dwelling used as a residence, including the addition of rooms, patio covers, swimming pools, and accessory structures.

4. New construction of one single-family dwelling on any vacant lot which conforms to all standards of the City Code and Zoning Ordinance, except this Section 30, provided that such dwelling is used exclusively as a residence.

H. Discretionary Changes in Nonconformities

1. Notwithstanding Section 30G, a property owner may submit a written application requesting authorization to expand or enlarge a nonconformity, or to reconstruct a structure for a similar or less-intensive nonconforming use.

2. The procedure applicable to variances pursuant to Zoning Ordinance Section 14 and 18 shall govern such application except as provided in this Subsection H.

3. The Planning Commission, and the City Council on appeal, may grant or conditionally grant a request submitted pursuant to this Subsection H only after finding that either:

(a) Under the circumstances of the particular case the benefit to the public health, safety and welfare outweighs any detriment inherent in such change; or

(b) that the literal application of the provisions of this plan will result in practical difficulties or unusual hardships for the property owner which outweigh the public purposes articulated in Section 30-A.

4. Approval or conditional approval of a request submitted pursuant to this Subsection H may occur notwithstanding noncompliance with any finding mandated in Zoning Ordinance Section 14A.

I. Home Occupation Permits

Home occupation permits may be issued pursuant to Zoning Ordinance Section 11 if the activity requiring the permit is permitted in the applicable EA overlay zone.

J. EA Overlay Zone Compliance Certificate

1. Within an EA overlay zone, no person shall commence a new use, or expand, enlarge, or change an existing use without first obtaining an EA Overlay Zone Compliance Certificate issued by the Planning Director.

2. The Planning Director shall issue an EA Overlay Zone Compliance Certificate if the proposal is permitted by this Section 30.

3. This Subsection J shall not apply:

(a) To activities specifically approved by the Planning Director, Planning Commission or City Council pursuant to a discretionary land use entitlement; or

(b) To activities relating to single-family dwellings authorized by Sections 30-G-2, 30-G-3, or 30-G-4; or

(c) To uses designated in the applicable EA zone as a "yes" on the Section 30-C chart, with or without a footnote.

K. General Prohibitions

1. No land outside of Executive Airport property and within the Executive Airport Planning Area shall be used:

(a) For the erection or operation of any object that could reflect the light of the sun toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing at Executive Airport; or

(b) For the erection or operation of an object which directs a steady light or a flashing light of white, red, green, or amber color toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing at Executive Airport, other than an FAA approved navigational signal light or a visual approach slope indicator (VASI); or

(c) In a way which would generate a substantial volume of smoke, attract large concentrations of birds, generate electrical interference, or which would otherwise affect safe air navigation in the vicinity of Executive Airport.

2. No land outside of Executive Airport property and within one mile of the Executive Airport shall be used for the erection or operation of hazardous installations such as above-ground oil, gas or chemical storage facilities.

L. Referrals to the Airport Land Use Commission

1. Prior to action by the Planning Director, Planning Commission or City Council, the following proposed actions shall be referred to the Airport Land Use Commission:

adoption or amendment of a general plan, specific plan, zoning ordinance or building regulation which could affect the area within the Executive Airport Planning Area in a manner inconsistent with the purposes articulated in Section 30-A.

2. Upon timely receipt by the Planning Director of a determination by the Airport Land Use Commission that a proposed action is inconsistent with the Executive Airport Comprehensive Land Use Plan, the Planning Commission shall, in a public hearing, review and consider such determination. The Planning Commission shall thereafter recommend to the City Council approval, conditional approval, or denial of the proposed action. The proposed action shall then be heard in a public hearing before the City Council. The City Council may thereafter approve or conditionally approve the proposal only with a two-thirds or greater vote and adoption of specific findings that the proposed action is consistent with the purposes of the state airport land use law articulated in California Public Utilities Code Section 21670.

3. In the event that the Airport Land Use Commission fails to notify the Planning Director of its determination relative to a proposed action within sixty (60) days from the receipt of the proposed action, the proposed action shall be deemed consistent with the Executive Airport Comprehensive Land Use Plan, and may thereafter be approved, conditionally approved or denied in the manner provided in this Section 30, other Zoning Ordinance sections or the City Code.

SECTION 2.

Section 22-A-69 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

69. The following definitions shall apply to Section 30 of this ordinance:

(a) Executive Airport Planning Area

Executive Airport Planning Area shall mean that area delineated on Figure 1 of the 1982 Executive Airport Comprehensive Land Use Plan and as more specifically delineated on the Executive Airport Planning Area Map, dated August, 1982.

(b) Anchor Tenant. Anchor tenant shall mean a land use which:

(1) Wholly or partially occupies a structure in a shopping center, as defined in Section 22-A-69-(e); and

(2) Occupies not less than 4,000 square feet; and

(3) Is either a retail food store, drug store, department store, retail discount house, home improvement center, variety store, or restaurant.

(c) 1982 Executive Airport Comprehensive Plan.

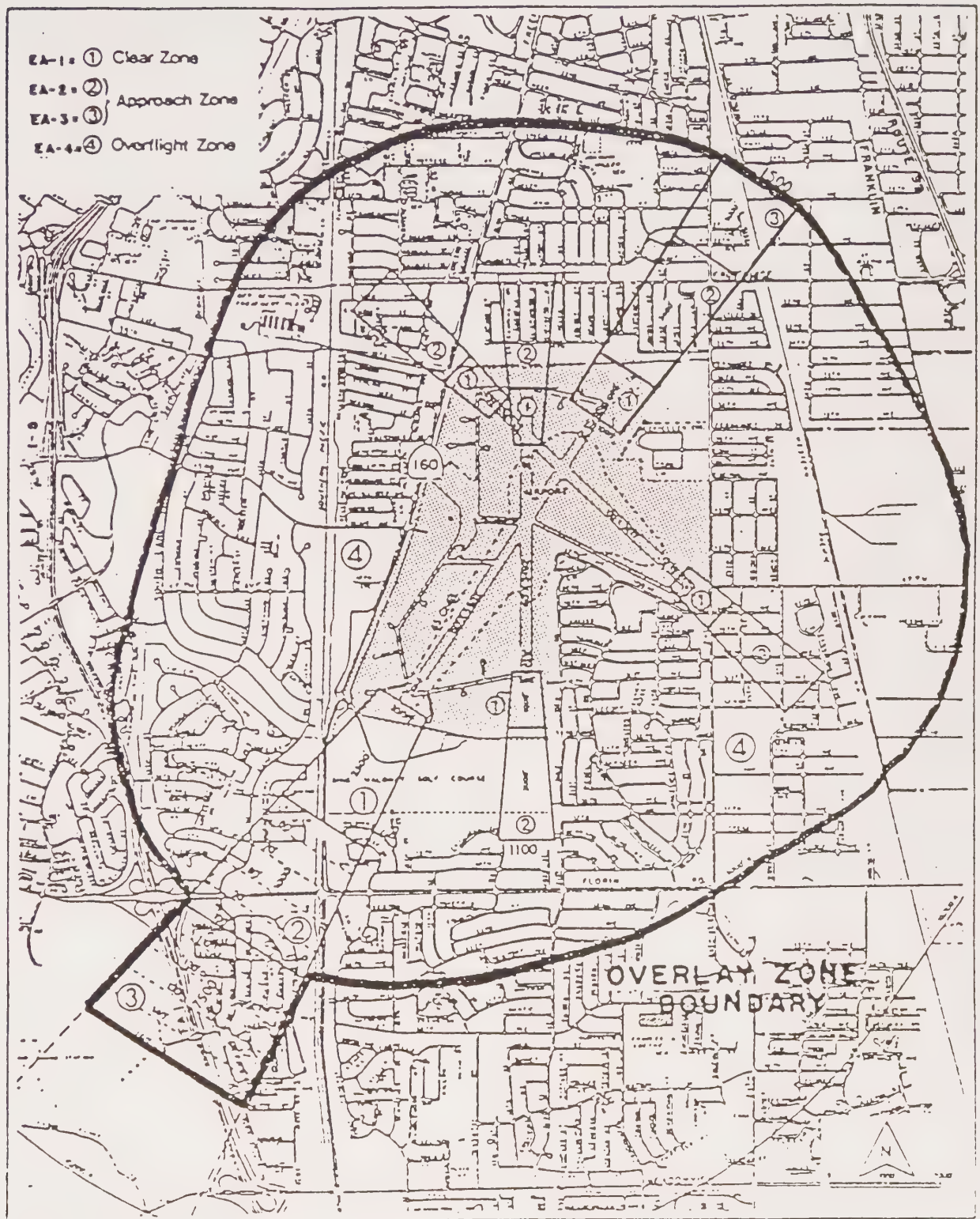
1982 Executive Airport Comprehensive Plan shall mean the Plan so named in the form adopted by the Airport Land Use Commission on April 15, 1982.

(d) Height of a Structure. Height of a structure shall be the vertical distance from the average elevation of the finished lot grade to the high point of the structure. Roof-top mechanical equipment, whether or not housed in a penthouse, shall not be included in this measurement.

(e) Shopping Center. Shopping Center shall mean a group of five or more architecturally unified commercial establishments, managed as a unit, and with common off-street parking and vehicular access points.

(f) Structural Lot Coverage. Structural lot coverage shall mean that portion of a lot covered by all structures on the same lot. For the purposes of this subsection (f), a shopping center shall be considered a single lot.

Sacramento Executive Airport OVERLAY ZONING ORDINANCE



SECTION 31

LABOR-INTENSIVE OVERLAY ZONE

SECTION 31: LI, LABOR-INTENSIVE OVERLAY ZONE

A. PURPOSE: The purpose of Section 31 is to establish an overlay zone which can be applied within areas where a high density of employees per acre is desired to maximize use of public facilities and services such as freeways and light rail transit stations, or where a higher concentration of people is desired for economic revitalization purposes.

B. LI, LABOR-INTENSIVE OVERLAY ZONE: The LI designation appearing after a land use classification on the official zoning map shall mean that the property so classified is subject to the requirements and restrictions set forth in this section in addition to those of the underlying zone. In the event of a conflict between a provision in this Section 31 and a provision contained in another section of the ordinance, the most restrictive provision shall apply.

C. USE RESTRICTIONS: The following uses shall be prohibited within the LI, Labor-Intensive Overlay Zone:

1. Agricultural Uses - General
2. Auto Sales, Storage and Rental
3. Commercial Recreational Vehicle Storage
4. Contractor's Storage Yard
5. Equipment Rental and Sales Yard
6. Fuel Yard
7. Junk Yard
8. Lumber Yard
9. Nursery for Flowers and Plants
10. Petroleum Storage
11. Public Utility Yard
12. Recycling Plant
13. Railroad Yard or Ships
14. Trailer Sales Yard
15. Terminal Yard, Trucking
16. Used Car Lot
17. Warehousing - Wholesaling

D. NONCONFORMITIES: The provisions of Section 12 of the Comprehensive Zoning Ordinance shall apply to any nonconforming uses within the LI, Labor Intensive Overlay Zone.

APPENDIX

APPENDIX A

ZONING ORDINANCE AMENDMENTS

**ZONING ORDINANCES
AMENDING THE TEXT OF
ORDINANCE NO. 2550-FOURTH SERIES**

<u>ORDINANCE NUMBER</u>	<u>ADOPTED DATE</u>	<u>EFFECTIVE DATE</u>
2572	October 1, 1964	October 31, 1964
2636	December 2, 1965	December 2, 1965
2650	March 31, 1966	April 30, 1966
2684	September 8, 1966	October 8, 1966
2689	November 10, 1966	December 10, 1966
2968	December 29, 1966	January 28, 1967
2711	March 30, 1967	April 29, 1967
2712	March 30, 1967	April 29, 1967
2728	June 15, 1967	July 15, 1967
2760	April 11, 1968	May 11, 1968
2761	April 11, 1968	April 11, 1968
2782	September 12, 1968	October 12, 1968
2841	July 24, 1969	August 23, 1969
2855	October 9, 1969	November 8, 1969
2897	June 18, 1970	July 18, 1970
3005	July 1, 1971	July 31, 1971
3052	November 4, 1971	December 4, 1971
3115	May 11, 1972	May 11, 1972
3201	November 16, 1972	December 16, 1972
3253	February 8, 1973	March 8, 1973
3283	June 7, 1973	July 7, 1973
3321	October 11, 1973	October 11, 1973

**ZONING ORDINANCES
AMENDING THE TEXT OF
ORDINANCE NO. 2550-FOURTH SERIES
(CONTINUED)**

<u>ORDINANCE NUMBER</u>	<u>ADOPTED DATE</u>	<u>EFFECTIVE DATE</u>
3340	December 13, 1973	January 12, 1974
3362	February 7, 1974	March 9, 1974
3366	February 21, 1974	March 23, 1974
3456	October 24, 1974	November 23, 1974
3462	November 26, 1974	December 26, 1974
3464	December 5, 1974	January 4, 1975
3481	February 13, 1975	March 15, 1975
3574	September 4, 1975	October 4, 1975
3581	September 25, 1975	October 4, 1975
3589	October 23, 1975	November 22, 1975
3603	December 11, 1975	January 10, 1976
3611	December 23, 1975	January 22, 1976
3736	August 31, 1976	September 30, 1976
3754	October 12, 1976	November 11, 1976
3769	November 23, 1976	December 23, 1976
3770	November 23, 1976	December 23, 1976
3876	May 31, 1977	May 31, 1977
3992	November 29, 1977	November 29, 1977
4034	February 7, 1978	February 7, 1978
4047	March 21, 1978	April 21, 1978
4060	May 2, 1978	June 1, 1978
4061	May 2, 1978	June 1, 1978

ZONING ORDINANCES
AMENDING THE TEXT OF
ORDINANCE NO. 2550-FOURTH SERIES
(CONTINUED)

<u>ORDINANCE NUMBER</u>	<u>ADOPTED DATE</u>	<u>EFFECTIVE DATE</u>
4062	May 2, 1978	June 1, 1978
4093	June 29, 78	June 29, 1978
4096	June 29, 1978	July 29, 1978
4099	June 29, 1978	June 29, 1978
4130	September 12, 1978	September 12, 1978
4145	October 17, 1978	November 16, 1978
4146	October 17, 1978	November 16, 1978
4158	December 5, 1978	January 18, 1979
4166	December 19, 1978	January 18, 1979
4222	May 15, 1979	June 14, 1979
4223	May 15, 1979	June 14, 1979
4244	July 3, 1978	August 2, 1979

lr/pc

ORDINANCES NOT INCLUDED IN THE COMPREHENSIVE ZONING ORDINANCE REVISION, JULY, 1980:

ORD NO.

- 4130 RE: NATIONAL FLOOD INSURANCE PROGRAM, AMEND CHAPTER 40 OF CITY CODE
- 4257 RE: MEMBERSHIP ON ARB, APPOINTMENT OF MEMBERS; SECTION 16, PARAGRAPH 11.03, 1105
- 4284 RE: SOLAR ACCESS FOR RESIDENTIAL DWELLINGS IN THE SELECTION OF STREET TREES; AMEND SECTION 4-.811(i) OF CHAPTER 40 OF THE CITY CODE
- 4304 RE: FENCES; ADD SECTION 3-O-7
- 4305 RE: CONDOMINIUM CONVERSIONS; ADDS SECTION 28 AND 22-A-60 (THIS IS THE BASE ORDINANCE WHICH HAS BEEN SUBSEQUENTLY AMENDED NUMEROUS TIMES)
- 4319 RE: TRANSMISSION FACILITIES PERMITS; ADDS SECTION 29
- 4320 RE: SOLAR COLLECTORS ON ROOFS; SECTION 3-E-7, 3-E-15
- 4367 RE: R-1B ZONE; SECTION 1-D, 2-B, 2-C, 2-D, 2-E-1, 3-B-1b, 3-B-6a, AND 3-C-1
- 4428 RE: SURFACE MINING; SECTION 2-F-20, 2-F-24, 2-G-9, 22-A-61
- 4433 RE: MOBILEHOMES; SECTION 2-B-10, 2-E-25, 2-F-22, 10, 22-A-3, 22-A-9, 22-A-61, 22-A-62, 22-A-63
- 4439 RE: DRIVEUP WINDOWS; SECTION 3-D-7
- 4453 RE: R-REVIEW AND ENERGY CONSIDERATIONS; SECTION 13-A-3-c-4-d
- 4454 RE: TREE SHADING; SECTION 6-D-19
- 81-008 RE: RESUBMITTAL OF VARIANCE APPLICATIONS; SECTION 14-I
- 81-016 RE: ADULT ENTERTAINMENT; SECTION 2-E-22, 22-A-55(b), 22-A-62
- 81-021 RE: ADULT ENTERTAINMENT; SECTION 2-E-22
- 81-030 RE: CONDITIONAL REZONINGS; SECTION 13-C
- 81-050 RE: MOBILEHOME ON APPROVED FOUNDATION; AMEND SECTION 2-B-3, 2-B-11, 2-E-25; ADD 2-E-26, 22-A-64 (6-23-81)
- 81-061 RE: VEHICLE AND BICYCLE PARKING FOR OFFICES IN C-3 ZONE; AMEND SECTION 6-A, 6-C, 6-D-1, 6-D-14; ADD SECTION 22-A-66
- 81-062 RE: COMPACT CAR SPACES; AMEND SECTION 6-C-1

- 81-075 RE: OFFSITE SIGNS WITHIN 660 FEET OF FREEWAY; AMEND SECTIONS 3.191, 3.192, 3.95 AND 3.250 OF ARTICLE II OF CHAPTER 3 OF CITY CODE (SIGN ORDINANCE) (M-531) (8-11-81)
- 81-081 RE: MOBILEHOMES ON APPROVED LOTS; AMEND SECTION 2-E-26
- 81-083 RE: NOTICES AND HEARINGS ON REQUESTS FOR REZONINGS; AMEND SECTION 13-A-3, 13-A-8, REPEALING 13-A-9; ADDING 13-A-2-(d) (9-1-81)
- 81-091 RE: BUS AND TRANSIT FACILITIES; AMEND SECTION 2-C-28; ADD SECTION 2-C-47, 48 AND 22-A-67
- 81-093 RE: OFFSITE SIGNS; AMEND SECTION 3.66, 3.81, 3.85, 3.86, 3.157 AND 3.181(c) OF CHAPTER 3 OF THE CITY CODE (SIGN ORDINANCE)
- 81-094 RE: CONSOLIDATION OF PRESERVATION BOARD AND ARCHITECTURAL REVIEW BOARD; AMEND SECTION 16-5.-2, 16-5.12, 16-5.13, 16-11.02; REPEAL 16-11.03, 16-11.04, 16-11.05; AMEND 16-11.06, 16-11.10, 16-11.14, 16-11.17, 16-11.18 (10-6-81)
- 81-101 RE: CONDO CONVERSIONS; AMEND SECTION 28-C-2, 28-C-5(k), 28-C-5(a), 28-C-5-(b)(ii); ADD 28-C-5-(b)(iv) (11-10-81)
- 81-113 RE: LAND USE APPLICATIONS AND FEES; AMEND 25.01, 25.02; ADD 25.06 (12-15-81)
- 82-014 RE: FLOOD INSURANCE DAMAGE PROTECTION; AMEND 26.10 AND 26.15 (2-23-82)
- 82-015 RE: PARKING REQUIREMENTS FOR MEDICAL AND DENTAL OFFICES/CLINICS; ADD SECTION 6-A-11a (2-23-82)
- 82-016 RE: FRONT YARD SETBACK REQUIREMENTS FOR C-2 ZONE IN THE CENTRAL CITY; AMEND SECTION 3-B-10 (2-23-82)
- 82-025 RE: HOSPITAL ZONE; AMEND 2-B-6, 2-B-7, 2-B-8, 2-B-9, 2-C-20, 2-C-30; ADD 2-B-8, 2-C-27a, 2-C-27b; AMEND 13-A-1, 22-A-44, 22-A-45, 22-A-46, 22-A-47, (3-23-82) (M-612)
- 82-039 RE: PARKING LOT LANDSCAPING; AMEND SECTION 6-D-3 (5-25-82)
- 82-043 RE: ESTABLISH HEIGHT, AREA, SETBACK AND SIGN REGULATIONS FOR H, HOSPITAL ZONE; AMEND SECTION 3-B-8b, 3-C-14, 3-C-15, 3-C-16, 3-C-17, 3-C-18; AMEND SECTION 3-C-1 AND 3-E-6 (5-9-82) (M-612)
- 82-057 RE: OFF-SITE PARKING; AMEND 6-D-14; ADD 6-D-1-d (7-24-82) (M-677)
- 82-069 RE: REZONING PROCEDURES; AMEND 13-A-1 (8-24-82) (M-677)
- 82-070 RE: AMEND SECTION 28-C-3-(d) AND 28-D-2-(d) RELATING TO FIRE SAFETY REQUIREMENTS IMPOSED ON LIMITED EQUITY HOUSING COOPERATIVES (M-678)
- 82-075 RE: AMEND SECTION 3-B-4a RELATING TO STREET SIDE YARD SETBACKS IN R-3A ZONE (9-14-82) (M-681)

- 82-078 RE: ADDING SECTION 2-C-48, 2-E-27, AND 22-A-69 RELATING TO HALLOWEEN HAUNTED HOUSES
- 82-091 RE: AMERICAN RIVER PARKWAY FLOOD ZONE, REPEAL SECTION 24.08 (M-689)
- 82-096 RE: EXECUTIVE AIRPORT COMPREHENSIVE LAND USE PLAN, ADDING SECTION 30 AND SECTION 22-A-69 (11-23-82) (M-697)
- 83-012 RE: BED & BREAKFAST INNS, ADD SECTION 2-C-49, 2-E-28, 2-E-29, 22-A-70, AND 22-A-71; AMEND SECTION 6-A-5 AND 2-B-2 (1-25-83) (M-704)
- 83-039 RE: VEHICLE TRIP REDUCTION REGULATIONS; AMEND TITLE SECTION 6 AND ADDING SECTION 6-E AND SECTION 22-A-70 THROUGH 75 (4-5-83) (M-610)
- 83-040 RE: OFF-STREET VEHICLE PARKING REDUCTIONS; ADDING SECTION 6-F AND AMENDING SECTION 6-D-1-c (4-5-83) (M-718)
- 83-041 RE: ESTABLISHING MINIMUM OFF-STREET BICYCLE PARKING REQUIREMENTS; AMENDING SECTION 6-D-1-b(5) AND ADDING SECTION 6-G (4-5-83) (M-717)
- 83-055 RE: REQUIRED LANDSCAPING IN THE H-C ZONE AND IN PARKING LOTS; AMENDING SECTION 3-D-4, 3-D-5 AND 6-D-19 (5-24-83) (M-722)
- 83-059 RE: ATTENDANT PARKING; AMENDING SECTION 6-C-1-(b)-(4) AND ADDING SECTION 6-D-1-e (5-24-83) (M83-024)
- 83-074 RE: TIME LIMITS FOR SPECIAL PERMITS; AMENDING SECTION 15-D-3 (7-5-83) (M83-032)
- 83-075 RE: SECONDARY RESIDENTIAL UNITS; AMENDING 2-B-11, 2-E-30 AND 22-A-72 (7-5-83) (M83-012)
- 83-110 RE: MANUFACTURING, RESEARCH AND DEVELOPMENT CLASSIFICATION; ADDING SECTION 2.7 (9-8-83) (M83-037)
- 83-118 RE: MORATORIUM ON OUTDOOR VENDORS (9-28-83)
- 83-127 RE: WALLS AND FENCES; ADD 3-D-7-e (10-18-83) (M83-044)
- 83-130 RE: INFILL DEVELOPMENT REGULATIONS; AMEND SECTION 9 AND ADDING SECTION 40.202(h) TO SUBDIVISION REGULATIONS (10-18-83) (M83-010)
- 83-143 RE: PLANNING DIRECTOR'S SPECIAL PERMIT, SECTION 15-H (12-6-83) (M83-065)
- 83-145 RE: ADULT-RELATED ESTABLISHMENTS (12-6-83) (M83-004)
- 83-153 RE: VIOLATION PENALTIES; AMEND 19-E (12-18-83)
- 84-007 RE: REPAIR OR MAINTENANCE OF VEHICLES IN RESIDENTIAL ZONES; ADD SECTION 2-H-12 (1-17-84) (M83-067)
- 84-008 RE: OUTDOOR VENDORS; ADD ARTICLE V TO CHAPTER 7 OF CITY CODE (1-24-84) (M84-001)

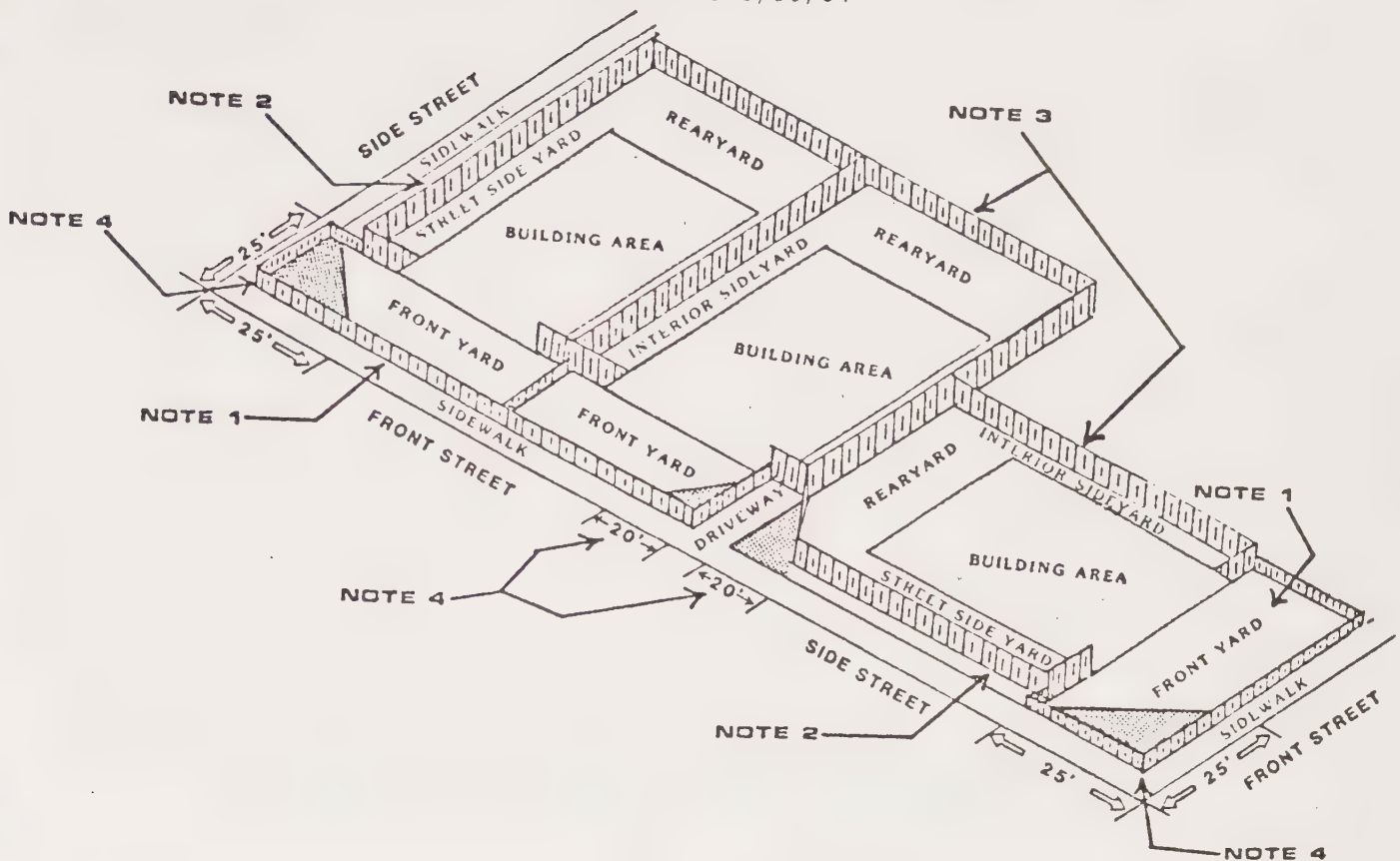
- 84-025 RE: RE - RURAL ESTATES ZONING DISTRICT; AMEND SECTION 1-D, 2-B, 2-C, 2-D, 3-B-1, 3-B-1a AND 3-B-1b AND ADDING 3-B-1c AND 3-C-19 (M84-002)
- 84-026 RE: LI - LABOR INTENSIVE OVERLAY ZONE; ADDING SECTION 31 (M84-005)
- 84-027 RE: R, SITE PLAN REVIEW PROCESS; ADDING SECTION 13-3-c-4(e) (3-13-84) (M84-004)
- 84-032 RE: USES IN C-1 ZONE; AMENDING SECTIONS 1-D, 2-C AND ADDING SECTIONS 2-E-31, 32, 33 (4-17-84)
- 84-037 RE: EMERGENCY ORDINANCE, CONVENIENCE MARKETS; ADDING SECTIONS 2-C-11a, 2-E-34, AND 22-A-6a AND AMENDING SECTION 2-E-32 (M84-030) **REPEALED 7-17-84**
- 84-049 RE: EXECUTIVE AIRPORT OVERLAY ZONE; AMEND SECTIONS 30-C-1-(a) AND ADDING SECTIONS 30-C-1(d) AND 30-C-2(h) (5-29-84) (M-697)
- 84-050 RE: REPAIR AND MAINTENANCE OF VEHICLES IN R ZONES; AMEND 2-H-12 (5-29-84)
- 84-071 RE: CONVENIENCE STORE ORDINANCE; ADDING SECTIONS 2-C-11-a, 2-E-34, AND 22-A-6a AND AMENDING SECTION 2-E-32 (M84-030)
- 84-077 RE: WALL, FENCE AND LANDSCAPING REQUIREMENTS; AMEND SECTION 3-D-7 AND 3-E-8 AND ADDING SECTIONS 22-A-43(a) AND 22-A-43(b) (7-31-84) (M83-061)
- 84-100 RE: OFFICE USES IN M-1 AND M-2 ZONES; AMEND SECTION 2-C-27 AND ADD SECTION 2-E-34 (M84-051)

APPENDIX B

THE FOLLOWING ILLUSTRATIONS ARE NOT A PART OF THE ORDINANCE
AND ARE FOR INFORMATION ONLY. WHEN THERE ARE ANY DISCREPANCIES WITH
THE ORDINANCE, THE ORDINANCE LANGUAGE SHALL PREVAIL.

**FENCE REGULATIONS FOR RESIDENTIAL LOTS
CITY OF SACRAMENTO**

ADOPTED 7/31/84 - ORDINANCE NO. 84-077
EFFECTIVE 8/30/84



Fence Regulations for Residential Lots
City of Sacramento

Fence heights and materials within the setback areas are permitted as follows:

Note 1 - Front Yard Setback Areas

- (a) A maximum three feet (3') high fence constructed of wood, woven-wire (e.g., chainlink, cyclone), masonry (concrete block, brick, stucco, or similar material) or open metal (commonly referred to as wrought iron) is permitted to be located on the front property line or within the front yard setback area.
- (b) A fence exceeding three feet (3') in height, but not exceeding six (6') in height is permitted to be located on the front property line or within the front yard setback area if the fence is constructed of decorative open-metal fencing (commonly referred to as wrought iron). A woven-wire (e.g., chainlink, cyclone) fence exceeding three feet (3') in height is not permitted. (See Note 4 regarding regulations for clear vision zones.)

Note 2 - Street Side Yard Setback Areas

- (a) A maximum three feet (3') high fence constructed of wood, woven-wire (e.g., chainlink, cyclone), masonry (concrete block, brick, stucco, or similar material) or open metal (commonly referred to as wrought iron) is permitted to be located on the street side property line or within the street side yard setback area.
- A maximum six feet (6') high fence constructed of the same materials is permitted within the street side yard setback area if the fence is located a minimum distance of five feet (5') from the street side property line.

Exception - Central City only

A maximum six feet (6') high fence is permitted in the street side setback area if the fence is placed on a line parallel to the street which represents the extension of the wall of the main dwelling which is nearest the street, or if the fence is located a distance of five feet (5') from the street side property line, whichever is less.

The area between the fence and street must be landscaped with a combination of shrubs, climbing vines and low ground cover. This landscape area must be irrigated and properly maintained in good condition.

- (b) A fence exceeding three feet (3') in height but not exceeding six feet (6') in height is permitted to be located on the street side property line or within the street side yard setback area if the fence is constructed of decorative open-metal fencing (commonly referred to as wrought iron). A woven-wire (e.g., chainlink, cyclone) fence exceeding three feet (3') in height is not permitted. (See Note 4 regarding regulations for clear vision zones.)

Note 3 - Interior Side Property Line and Rear Yard Property Line

- (a) A maximum six feet (6') high fence is permitted to be located on the interior side or rear property line.
 - (b) A maximum eight feet (8') high fence is permitted on the interior side or rear property line if the adjoining property is developed as a school, park, or in any non-residential use.
- A City Building Permit is required for fences exceeding six feet (6') in height.

Note 4 - Clear Vision Zones

In order to maintain clear visibility and traffic safety at street corners and within areas adjacent to private driveways, height regulations pertaining to clear vision zones are established as follows:

- (a) **Corner Lots:** A fence or wall may not exceed three feet (3') in height within the triangular corner area formed by measuring a distance of twenty-five feet (25') along the front and street side yard curb lines from the corner and a diagonal line joining the two points on the curb lines.
- If no standard curbs exist, the distances shall be measured along the front and street side property lines.
- (b) **Setback areas adjacent to Driveways:** A fence or wall may not exceed three feet (3') in height within the triangular area next to the driveway and public street. The triangular area is determined by measuring a distance of twenty feet (20') along the curb line in each direction from the edge of the driveway and a second line measured along the edge of the driveway a distance equal to the required front or street side yard setback of the lot, or to the front of the garage or carport, and a diagonal line joining these two points.
- If no standard curbs exist, the distances shall be measured along the street property lines.

General Provisions - Landscaping

Every minimum front and street side yard setback area in residential zones shall be irrigated, landscaped and maintained with primarily low ground cover. Only living vegetation may be used as ground cover, and no parking shall be permitted in the required setback areas except on approved driveways.

APPENDIX C

**CALCULATION OF VACANCY RATES AND THE SCHEDULING OF HEARING DATES
FOR CONDOMINIUM CONVERSION APPLICATIONS (RESOLUTION 80-177)**

RESOLUTION NO. 80-177

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

MARCH 25, 1980

A RESOLUTION ADOPTING REGULATIONS REGARDING THE
CALCULATION OF VACANCY RATES AND THE SCHEDULING OF
HEARING DATES FOR CONDOMINIUM CONVERSION APPLICATIONS

WHEREAS, the City Council has adopted an Ordinance regulating residential condominium conversions; and

WHEREAS, said Ordinance provides for the adoption by resolution of the City Council of special application and procedure regulations and of a method of determining vacancy rates.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

That the City Council of the City of Sacramento hereby adopts the following regulations establishing the method to be used by City staff in determining vacancy rates in each community plan area of the City and establishing procedures for accepting, processing, and reviewing Special Permit and tentative map applications for residential condominium conversions.

Vacancy Rate Determination

1. City vacancy rate information shall be provided for each community plan area, on an annual basis on or about October 31st of each year.
2. The following method will be used by the City in compiling the annual vacancy rate: City Planning Department staff will establish its annual vacancy rate by using the Federal Home Loan Bank, Sacramento SMSA Housing Vacancy Survey. City staff will use the information supplied by the federal Home Loan Bank survey to extrapolate the data applicable to each community plan area in the City. The vacancy rate shall then be calculated on the basis of total multiple family rental units and total vacant multiple family rental units located within each of the designated eleven (11) City community plan areas. (Amended Ordinance No. 83-863)
3. The following procedure will be used for determining the rental vacancy rate of a proposed conversion in proximity to an adjacent community plan boundary.
 - A. If a project is substantially within a given community, only the vacancy rate of that community shall be used in evaluating the project. Substantially within shall be defined as inside a quarter mile (1,320 feet) of the community's boundary as defined and set by

the City of Sacramento. Where a community does not have an adjoining community because of its peripheral location, the quarter mile distance standard shall not apply and only the immediate community's vacancy rate will be used.

- B. Where a project, or any part thereof, is within a quarter mile (1,320 feet) of an adjoining community as established by the City of Sacramento, the rental vacancy rate of both the immediate community and the adjoining community shall be used to determine a new vacancy rate. Where more than one adjoining community is within the quarter mile distance, it or they shall also be included in the determination.

The new rental vacancy rate shall be determined by dividing the sum of the vacant units of the immediate and adjoining communities by the sum of the total units of the immediate and adjoining communities. These quantities, or base data, shall be established annually by the City pursuant to the procedures set forth above in paragraphs 1 and 2 above. The resulting vacancy rate will reflect the relative quantity and market availability of rental units within the general area around the project.

Filing and Hearing Special Permit Applications

Application for Special Permits for condominium conversions shall be heard by the City Planning Commission and City Council one time a year. Thereafter, the annual application deadline for condominium conversions shall be January 30th of each year beginning with January 30, 198_. (Amended Ordinance No. 83-863).

1980 GENERAL PLAN CONDOMINIUM AND CONDOMINIUM CONVERSION GOALS AND POLICIES

By there unique character and requirements, condominiums and condominium conversion projects differ specifically from other subdivisions and apartment projects. The unique status of such projects tends to magnify the effects associated with higher urban densities to the point where they may lead to conditions of mismanagement, neglect, and blight that impact upon the public health, safety, welfare and economic prosperity of the City of Sacramento. Condominium conversion projects in particular may conflict with the policies of the City of Sacramento to provide a reasonable balance of rental and ownership housing within the City and within the City's neighborhoods, to provide a variety of individual choice of tenure, type, price and location of housing, and to insure an adequate supply of rental housing for low and moderate income persons and families. It is also recognized, however, that such projects may benefit the City by providing a source of low and moderate income ownership housing. It is the expressed intent of the City to insure that the problems are avoided while the benefits are maximized in both the short and long term by establishing requirements and procedures specifically designed for the control and approval of residential condominium new construction and the conversion of existing multiple family rental housing and non-residential buildings to residential condominiums.

Condominium conversion projects, however, are specifically addressed in Section 66427.2 of the Subdivision Map Act, Government Code Section 55410 et seq. This Section provides that certain provisions of the Map Act relating to General Plan and Specific Plan consistency and the requirement of making certain findings upon approving a tentative subdivision map do not apply to condominium conversion projects, where no new units are to be constructed or added, unless the applicable General or Specific Plans contain definite objectives and policies specifically directed to the conversion of existing buildings into condominium projects.

In order to establish requirements and procedures specifically designed for the control and approval of residential condominium new construction and condominium conversions and to utilize the Subdivision Map Act as part of the procedure, the goals and policies set forth below relating to condominiums are hereby adopted.

GOALS

1. To insure a reasonable balance of rental and ownership housing while facilitating inhabitant ownership of residential units by all economic segments of the community, especially in reviewing application for residential condominium conversions and condominium new construction.
2. To mitigate the impact of dislocation and eviction for residents of rental units as a result of units being converted to condominiums.
3. To insure that new condominium units being constructed and residential rental units being converted to condominiums meet adequate physical construction standards.
4. To insure, where consistent with the goals and general policies set forth in this Housing Element, that as rental units are converted to condominium ownership, ownership or long term leasing opportunities are provided to the low and moderate income tenants of the converted rental units. (Resolution No. 80-617)

POLICIES

1. Prohibit the conversion of existing multiple family dwellings into condominium projects where the average annual vacancy rate in the affected community plan areas is less than or equal to 5 percent unless the applicant has proposed measures which would effectively mitigate the displacement of tenants and any adverse effects upon the rental housing stock in the affected areas which would be caused by the proposed conversion.
2. Require condominium conversion applicants to provide adequate relocation plans for tenants in multiple family residential buildings proposed for conversion to condominiums.

3. Require, where consistent with the goals and general policies set forth in this Housing Element, that condominium conversion projects make ownership or long term leasing opportunities available to qualified and eligible tenants of low and moderate income. (Resolution No. 80-617)
4. Require condominium new construction and existing structures proposed for conversion to residential condominiums to meet all applicable development and building standards contained in the Comprehensive Zoning Ordinance and the City Building Code.
5. Conduct one hearing per year or per other period designated by the City Council to consider all then pending applications for condominium conversion projects to facilitate implementation of the goals and policies of the City of Sacramento with respect to condominium conversion projects as stated herein.
6. Requiring tentative map applications for condominium conversion projects to be heard concurrently with the application for all other entitlements necessary for the conversion project to facilitate the implementation of the goals and policies of the City of Sacramento with respect to condominium conversion projects as stated herein.

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U.C. BERKELEY LIBRARIES



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